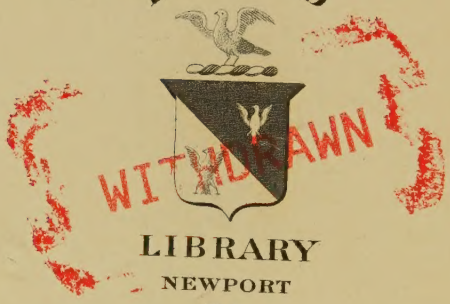
THE TRIAL OF PATRICK HERBERT MAHON

Edgar Wallace



GARDNER BLANCHARD PERRY FUND

The Trial of Patrick Mahon

With Introduction by Edgar Wallace

Illustrated

PATRICK MAHON was no ordinary murderer—a capable and successful business man, possessed of an exceedingly pleasing personality, an athlete in his day, a regular attendant at church but responsible for a brutal murder, done in such circumstances and atmosphere as to make him an interesting object for the psychologist.

A "love experiment" in a seaside bungalow, the purchase of a saw and cook's knife, blood-stained clothes in a Gladstone bag, a parcel-room in a railroad station are some of the links in the gruesome chain of events. It is one of the most singular murders of recent years committed by a strange individual who at the last, when he confessed his guilt, begged that his statement not be made public for fear of the "bad impression it might make."

A flash of lightning and a peal of thunder duplicating the circumstances attendant upon the crime made a broken man face his cross-examiner at the trial. Such dramatic features as this one hitherto unpublished are here revealed by the popular writer, Edgar Wallace.

FAMOUS TRIALS SERIES

General Editor: GEORGE DILNOT

THE TRIAL OF PATRICK HERBERT MAHON

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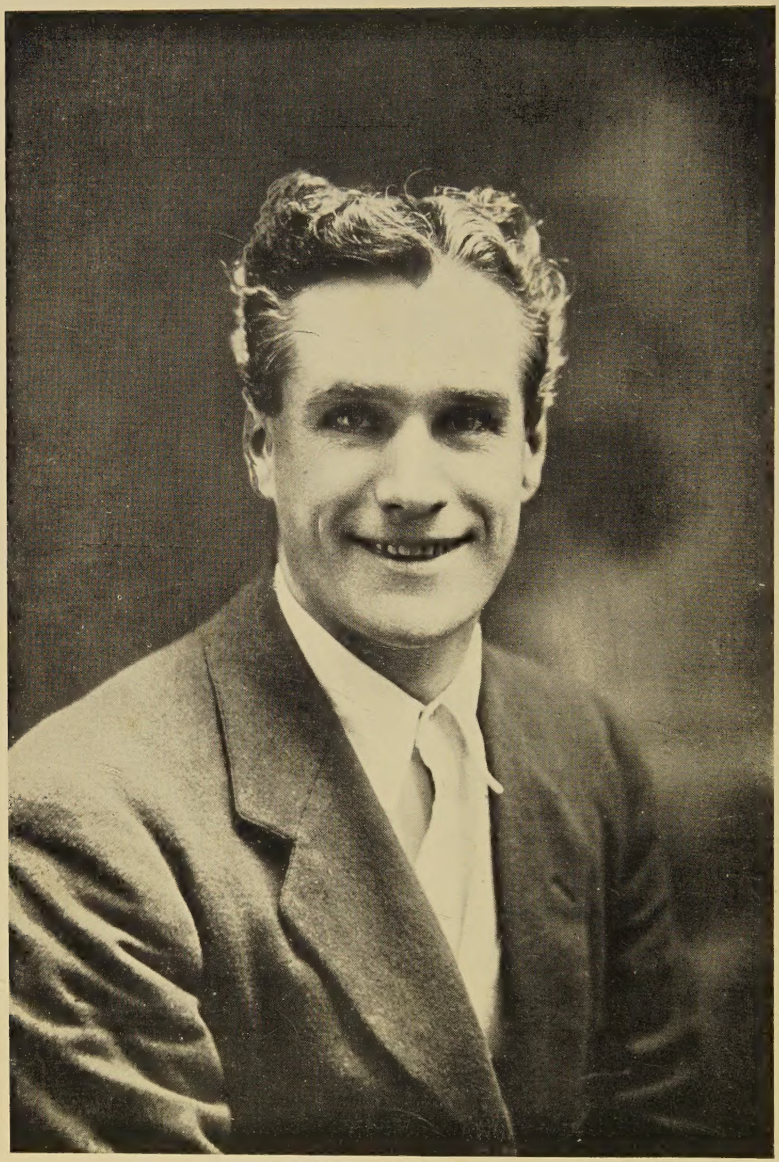

[*Topical Press*

PATRICK MAHON

THE TRIAL OF

Patrick Mahon

With an Introduction by

EDGAR WALLACE

New York
CHARLES SCRIBNER'S SONS
1928.

AUG 2 2 1928

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Printed in Great Britain.

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INTRODUCTION.

It is a natural thing for the humanitarian to say, of any man convicted of the awful crime of wilful murder, that he could not have been sane when he performed the dreadful act; and when a murder is done in such circumstances and in such an atmosphere as that which marked the destruction of Emily Beilby Kaye, more profoundly does the mind of a balanced man grow bewildered.

Yet all things were possible with Patrick Herbert Mahon, whose form of insanity took the shape of a colossal vanity. Mahon was a man of pleasing address, popular with women and with his fellow men. For all his anti-social acts he was in the way of being a social success in certain circumstances in those circles to which he had the entrée.

He was born in Liverpool; one of a large family of struggling middleclass folk—a boy of some small talent and an assiduous attendant at Sunday school. So he became an office boy, ultimately a junior clerk. He continued to go regularly to church and took a vivid interest in its social affairs. He displayed some prowess in athletics and was particularly fond of football, becoming indeed a prominent member of one of the local church teams. His early mode of life is described as having been a model for all young men.

At school he first met the pretty, dark-haired girl to whom his life was to become so tragically linked. She was two years younger than he, and their school friendship developed into something warmer at a later stage. Indeed, they were both in their teens when he first proposed marriage. There was strong opposition by both families and it was two years after this—in 1910—that they were married. He was then twenty and the girl eighteen.

Perhaps it was a reckless marriage. But this at least should be said. If any woman could have deflected Mahon from the path that was to lead to the scaffold, it was Mrs. Mahon. With singular devotion she held to him through the black and anxious years to the end. Hers is the real tragedy of this story.

Within a year of their marriage he had forged and uttered cheques for £123 on the firm which employed him. With this money he took a girl to the Isle of Man. He was traced, brought back, and bound over. Mrs. Mahon forgave him and they left Liverpool to start life anew.

Ultimately he obtained a position with a dairy firm in Wiltshire. There is no doubt that he had a fund of business ability, and this, with an apparent genial vivacity of manner, served him well for a time. He was still a " sportsman," and played football for a local team.

About this time a little girl was born. Hard upon this Mahon was arrested for embezzling £60 from his employers and was sentenced at Dorchester Assizes to twelve months' imprisonment.

Upon his release he is known to have lived for a while in the neighbourhood of Calne, Wiltshire.

There was a mysterious epidemic of burglaries in this neighbourhood, and it may or may not have been a coincidence that Mahon suddenly decided to seek other quarters.

He is next heard of at Sunningdale, where he was employed by a dairy. This time there were some love affairs which provoked a little scandal. Again Mahon was thrown out of work. There is a gap here which the imagination may easily fill in. Mahon had become interested in racing, and, when opportunity offered, attended race meetings in many capacities—preferably as a bookmaker's clerk.

However that may be, it fell on a day in the early part of 1916 that a branch of the National Provincial Bank at Sunningdale was entered at night. A servant maid who interrupted the intruder was ferociously attacked with a hammer. When she regained consciousness she found herself in the arms of Mahon who was kissing her. Later Mahon, who had dodged to Wallasey, was arrested and tried at Guildford Assizes for the offence. It was brought plainly home, and after he had been found guilty he made a whining appeal to the judge to be allowed to join the Army. Lord Darling sternly retorted that he was a thorough-paced hypocrite whom the Army could do without, and sentenced him to five years' penal servitude.

That term he served. A boy was born in 1916, but died a year or two later without having seen his father. Mrs. Mahon, left to her own resources, with indomitable courage sought a living for her little girl and herself. She obtained a post with Consols Automatic Aerators Ltd., which had a factory at Sunbury. Her efficiency and energy soon attracted

the attention of the heads of the firm, and she was promoted to a responsible position.

Mahon came back from prison—full of promises of reform, anxious to be again with his wife. Observe that he always came back—that Mrs. Mahon always took him back. Superintendent Carlin of Scotland Yard made a shrewd observation on this trait. "He was keenly disposed to 'philandering' or having 'affairs' with this or that woman casually as they attracted him. But he never, I am convinced, wished to sever his connection with his domestic hearth. He felt in his own mind that the woman he had married was his sheet anchor; that, if he cast off from her, he would be adrift."

They settled down in a flat at Kew, and Mrs. Mahon used her influence to procure him a berth as a traveller with her firm. Mahon did well—so well that when in May, 1922, the business was put in the hands of a Receiver he was appointed sales manager.

Now it chanced that the Receiver of the Company —a member of a firm of chartered accountants— in the beginning of 1923 engaged as a typist a woman —she can scarcely be described as a girl, since she was then thirty-seven years old—Miss Emily Beilby Kaye.

Miss Kaye had maintained herself by her own efforts for many years. She was a competent, experienced woman, not uncomely, who lived at a bachelor girls' club, and had managed to put by a sum of money, considerable for one in her position. She was not in the least averse from a flirtation with the handsome sales manager, with whom business circumstances now brought her in contact.

The affair developed rapidly. She at least fell violently in love. Mahon may have thought that it would end as other episodes of this kind had before

ended for him. But Emily Kaye was not easily discarded. I think we may accept Mahon's own words on this point :

> " Just before Christmas, Miss Kaye was dismissed from the office where she was employed, and, as a result, had a lot of time on her hands, and she wished me to see her more frequently which I was unwilling to do for several reasons. She reproached me on several occasions as being cold, and told me quite plainly that she wished my affection and was determined to win it if possible. I felt sorry for the fact that she had been dismissed and did, as a result, meet her a bit more frequently. I temporized in the hope of gaining time, but from that moment I felt more or less at the mercy of a strong-minded woman, whom, though I liked her in many ways, I did not tremendously care for."

Mahon was embarrassed—perhaps a little scared. But he went on, and there were certain dabblings with francs in which he was proved to have had some concern, with Miss Kaye's money. He asserted that some of his own money had been used in these transactions, but there can be no question that the funds were provided by the woman. Miss Kaye was for a short while in employment, but again fell out of work and some time in February, 1924, she probably became aware that she was in a certain condition. Said Mahon :

> " She became thoroughly unsettled and begged me to give up everything and go abroad with her . . . . I plainly told her that I could not agree to such a course. I agreed to consider the matter, however, in the hope of gaining some time, but she suggested I should take a holiday and go away with her for a week or two, and take a bungalow, where we would be alone together, and where she would convince me with her love that I should be perfectly happy with her."

This was the immediate prologue to the tragedy. Miss Kaye was not as some of the other women Mahon had made his playthings. She could not be easily thrown aside.

Apart from this episode, Mahon felt the ground solid beneath his feet. His income was more considerable than it had ever been and, added to that of his wife, allowed a very comfortable existence. He was happy in his work; he was popular among his social acquaintances in Richmond and the neighbourhood. He had become secretary of a local bowling club. Save to his wife, his past was utterly unknown. The future looked full of promise. All this would have to be jettisoned, his career, his friends, his home—and he had a sort of attachment to his wife and little girl—if he yielded to Miss Kaye and took to flight with her.

He fought weakly to save himself. Even so, he might have succeeded, had not fate put into the hands of Emily Kaye somewhere about this time a weapon against which he felt impotent. It was the first of a number of strange coincidences with which the case was marked. No reference was made to it at the trial, nor did it leak out in the newspapers.

Emily Kaye was clearing a drawer of some of her belongings. At the bottom of the drawer someone had placed a sheet of newspaper. And as she took it out her eye lighted casually on the name of Patrick Mahon. Thus she read of his trial at Guildford Assizes.

It may be assumed that she used this knowledge in her interviews with Mahon. She pressed the idea of "a love experiment," and he gave way. He engaged a bungalow on the stretch of lonely beach between Eastbourne and Pevensey Bay for two months, using the assumed name of Waller. This bungalow, known indifferently as "Officer's House" and "Langney Bungalow," had formerly been the

official residence of the officer in command of a coast-guard station.

This was at the beginning of April, 1924. Miss Kaye received the news with some coldness. She had not intended the " experiment " to last longer than a few days. However, she sold out her remaining shares, and went down to stay at Eastbourne by herself while she looked over the place. Mahon was to join her later.

He was very worried. " I felt in myself very depressed and miserable, and did not wish to spend the three or four days together as she desired, but as I had given my word, and as I felt that I could definitely prove . . . how foolish the hope was on her part to expect to keep my affection, even could she gain it, I thought I had better go through with it."

Yet the ruling passion was still strong in him. Two days before he was to take possession of the bungalow with Miss Kaye he met Miss Duncan—a stranger—in the street at Richmond, and although it was a wet night walked with her most of the way to her home at Richmond. He remarked that his married life was a tragedy, and invited her to dine with him on the following Wednesday. The episode gives a clue to the psychology of the man. Murder must have been very close to his mind at that time, and yet he could philander with still another woman.

On April 12 he purchased a saw and knife at a shop in Victoria Street, and travelling down to Eastbourne met Miss Kaye at the station. They took a cab to the bungalow, and so the " love experiment " started. So far as his home and his firm was concerned Mahon was supposed to be travelling " on business."

Miss Kaye had set her heart on eloping to South Africa. She had informed her friends that she was engaged—she had shown some of them a ring—and that her fiancé had a good post at the Cape. In a letter written to a friend on April 14 she said that she and " Pat " intended to spend a little time in Paris before going out. This was the last communication that any of her friends or relatives had from her.

On Tuesday, April 15, the two travelled to London together. Mahon had agreed to apply for a passport, but when they met in the evening to return to Eastbourne he told her that he had not done so, and did not intend to do so. A quarrel broke out in the train.

If Mahon's story is to be credited the woman presented him with an ultimatum when they reached the bungalow. She insisted that he should write to friends that he intended going to Paris and thence to South Africa. Mahon refused, and Miss Kaye, in an access of ungovernable fury first threw a coal axe at him, and then attacked him with her bare hands. In the struggle—this is Mahon's version—they fell, and she struck her head on a coal cauldron. A little later he realised that she was dead.

I mention Mahon's explanation, but few people will be found to believe that it was other than a cold-blooded and premeditated murder. Clearly he knew that he would be free the following evening, for he had during the day wired to Miss Duncan making an appointment.

His story of consternation and horror has a genuine ring. Mahon was a man of temperament and he felt the reaction. He was face to face with the problem that has confronted many murderers—the disposal of the body. And although he seems to have

formed his plans beforehand—witness the purchase of the saw and the knife—he had not the nerve to put them into immediate execution. He carried the body to a spare bedroom and covered it with a fur coat.

That night he spent in Eastbourne, and on the next evening he dined in London with Miss Duncan. He remarked that he was staying at a charming bungalow and induced her to agree to pay him a visit two days later—on Good Friday. He confirmed this the following day by a wire from Eastbourne, " Meet train as arranged, Waller," and sent a telegraphic money order for four pounds.

This was on the face of it the act of a lunatic. The body was still at the bungalow. The man was taking a grotesque chance—for what ? He himself gave the answer : " The damned place was haunted ; I wanted human companionship."

Unquestionably Mahon's nerve was badly shaken and yet to all outward appearance he gave no sign. Miss Duncan does not appear to have had any suspicion and she went down to Eastbourne on Good Friday afternoon and was met by Mahon and taken to the bungalow. That day before her arrival he had commenced a sinister work, and there was one room that was barred to his visitor. He told her that it contained valuable books.

The next day he left her at Eastbourne and went by himself to Plumpton Races. Here he was noticed by an acquaintance who attached no special significance to the meeting, although it proved to be of vital importance in the chain of circumstance that was to betray the murderer.

Mahon realised by now that the presence of Miss Duncan was going to embarrass him. So he

concocted a telegram in a fictitious name and despatched it to himself as Waller at the bungalow, making an appointment in London for an early hour on Tuesday morning. Thus he was afforded an excuse for cutting short Miss Duncan's stay. They returned to town on Easter Monday and somewhere about midnight Mahon arrived at his home at Kew.

He was back at the bungalow on Tuesday. Here I may tell a curious story which did not come out in evidence. He had already partly dismembered the body, and he now set to work with the intention of disposing of the remains piecemeal. The day was dark and heavy. He built a huge fire in the room and upon this placed the head. At that moment the storm broke with an appalling crash of thunder and a violent flash of lightning. As the head lay upon the coals the dead eyes opened, and Mahon, in his shirtsleeves as he was, fled blindly out to the rain-swept shingle of the deserted shore. When he nerved himself to return the fire had done its work.

It was an extraordinary coincidence that whilst he was giving evidence at his trial a thunderstorm was also raging. He gave calm denial when he was asked if he had desired the death of Miss Kaye. Almost on his words the court was illumined by lightning and re-echoed with the crash of thunder. Mahon shrank into a corner of the dock. Those who saw his face and knew the truth will never forget that moment when the sound of the storm brought back to his mind that fearful midnight scene. He was a broken man when he faced the deadly cross-examination of Sir Henry Curtis Bennett.

Mahon discovered that with every method his ingenuity could suggest the disposal of the body was likely to be a long job. Meanwhile he had to show

himself at his office and his home. He returned to his home on the Tuesday night, and during the rest of the week he had to be at his work. On Saturday and Sunday he renewed his labours. On Sunday he conceived the idea of distributing some pieces of the dismembered body from a railway carriage window.

He spent some time over the gruesome business of packing a Gladstone bag. No chance seems to have offered itself on the journey to London that evening but he did succeed in getting rid of some portions between Waterloo Station and Richmond. But he was unable completely to empty the bag, and he decided to go on to Reading. The night he spent at an hotel in that town.

The next day—Monday—he returned to London. The bag was now empty save for the wrappings he had used and a cook's knife. These he probably intended to destroy later. He was acute enough to realise that if he had thrown them away they might have been identified.

The bag he left at one of the cloakrooms at Waterloo Station and went home. Now, although Mrs. Mahon had forgiven more than most women would have done, she was a person of intelligence. Mahon's strange comings and goings of late, his messages by telegram, his stories of business out of town, did not altogether impose on her. She knew him too well. Still, although she could not fail to be suspicious, no glimmer of the dreadful truth was present in her mind. Someone had mentioned casually that he had met Mahon at Plumpton Races and she feared that this was an explanation. Her husband had been previously mixed up with bookmaking and, in spite of his promises to her, it was possible that he had gone back.

By some means she gained possession of the cloakroom ticket. She took a friend into her confidence—he had been formerly connected in some way with the railway police—and asked him to discover what it referred to. She had a belief that it might be some of the paraphernalia used by bookmakers. Thus it came about that the bag was closely examined. It was locked, but by pulling at the ends some indication of its grim secret was revealed.

Scotland Yard was immediately informed, and Chief Detective Inspector Savage had men posted to watch the cloakroom. Mrs. Mahon was informed that there was nothing to suggest that her husband was bookmaking.

Mahon returned for the bag on the Friday evening (May 2). As it was handed to him a detective stopped him. "Rubbish," he exclaimed when told that he would be taken to a police station. This little touch of bravado did not help him. He was taken to the station and later to Scotland Yard. The bag was opened and was found to contain a cook's knife which had been recently used, two pieces of silk, a towel, a silk scarf, a pair of torn knickers, and a brown canvas racquet case. Most of these things were blood-stained, and the whole contents of the bag had been heavily sprinkled with a disinfectant.

Savage confronted his prisoner with these things and asked for an explanation. Mahon explained, lamely, that he had carried meat for dogs in the bag. "That will not do," said the Inspector. "These stains are of human blood." "You seem to know all about it," retorted Mahon.

For a quarter of an hour or more there was silence. Then Mahon spoke. "I wonder," he said, "if you

can realise how terrible a thing it is for one's body to be active and one's mind to fail to act."

Apart from one other muttered remark there was again silence for three-quarters of an hour. Mahon came to a resolve. "I suppose you know everything," he said. "I will tell you the truth."

He was cautioned, and then he told for the first time his version of the grim tragedy. I have drawn upon this and his subsequent statements in this account of the affair.

The Scotland Yard experts and the East Sussex Constabulary at once got to work. A search of the bungalow revealed many traces of the crime. There were portions of the body, and evidence of the attempt to get rid of it. But two very important parts of the body were missing. No trace of the head could be found. This, in all probability, would have shown exactly how the murder was committed. There was no trace of the uterus.

The trial opened at Lewes Assizes during July, 1924, before Mr. Justice Avory, an experienced and strong criminal judge. Sir Henry Curtis Bennett led for the Crown, and Mr. J. D. Cassels, K.C., for the defence.

The point taken by the defence was that the death of Miss Kaye was an accident, that either during a struggle between Mahon and Miss Kaye, she had died from striking her head against a coal cauldron, or that in fighting her off he had unintentionally strangled her. Mr. Cassels handled the case with notable skill, but he had to fight some deadly and almost irresistible inferences.

Although Sir Bernard Spilsbury, the eminent pathologist, refused to commit himself to an opinion on the precise manner of death he was definite in his assertion

that it could not have been caused by the woman striking her head against the coal cauldron. He was able to say that Miss Kaye, had she lived, would have become a mother.

All the shifts and deceits of Mahon during his intrigue with Miss Kaye were exposed to the jury. It was shown that over £500 of Miss Kaye's savings had disappeared. Three one hundred pound notes which had been in her possession were shown to have been changed by Mahon in false names at various places. Overwhelming motives were shown by which he might have been actuated to murder.

The judge's charge to the jury was a lucid, perfectly fair, but damning summary of the case. Within three-quarters of an hour afterwards the jury had found Mahon guilty.

You may say, as has been said, that none but a lunatic could have acted as he did ; but apart from the deed, Mahon acted like a sane, calculating man.

I have referred to Mahon's vanity : it is a peculiar trait in all the " great " murderers that they desire to be thought well of. He cannot bear the thought of leaving a stunned servant maid with a bad impression (not unnatural) of the man who assaulted her. He is at all times anxious to be considered by his respectable companions as a man of substance and a prince of good fellows.

There never was a more cold-blooded murderer except perhaps George Joseph Smith, than this unspeakable villain. Even at the end, when he confessed his guilt to the prison officials, he begged that they would not make public his confession for fear of the " bad impression it might make."

EDGAR WALLACE.

THE TRIAL OF
PATRICK HERBERT MAHON

Holden at

The Sussex Summer Assizes,

County Hall, Lewes,

Tuesday, 15th July, 1924.

The Judge :

MR. JUSTICE AVORY.

Counsel for the Crown :

Sir Henry Curtis Bennett, K.C.

Mr. Cecil R. Havers.

Mr. H. R. Hone.

Counsel for the Defence :

Mr. J. D. Cassels, K.C.

Mr. T. I. Gates.

Mr. C. A. Collingwood.

Watching Brief for Miss Ethel Primrose Duncan:

Mr. Paul Bennett, V.C.

THE TRIAL OF
PATRICK HERBERT MAHON

FIRST DAY, TUESDAY, JULY 15, 1924.

THE CLERK OF ASSIZE: Patrick Herbert Mahon, you stand charged upon this Indictment for that you on the 15th day of April in the present year at Westham in this County murdered Emily Beilby Kaye. You stand charged upon the Coroner's Inquisition with the same crime. Are you guilty or not guilty?

PATRICK HERBERT MAHON: I plead not guilty.

On the Jurors being called, Mr. Cassels objected to three, who retired.

The Jury having been duly sworn

THE CLERK OF ASSIZE: Gentlemen of the Jury: The Prisoner at the Bar, Patrick Herbert Mahon, stands charged upon this Indictment and upon the Coroner's Inquisition for that he on the 15th day of April in the present year at Westham in this County murdered Emily Beilby Kaye. To this Indictment and to this Inquisition he has pleaded not guilty. Your duty is to say whether he be guilty or not and to hearken to the evidence.

Opening Speech for the Prosecution.*

Sir Henry Curtis Bennett said there were three matters which were for the consideration of the Jury. The first was whether or not the body or portions of the body that were found were the body or portions of the body of Miss Kaye. Upon that he imagined that the Jury would not have any difficulty because it was admitted by a statement by prisoner himself, and beyond that articles belonging to her were found at the bungalow and she was seen there shortly before her death.

Secondly there was the question whether or not her death was the result of violence, and upon that they would have to take into consideration the stories that had been given by the prisoner and form their opinion of whether those stories were true or untrue. They would also have the opinion of one of the most celebrated medical experts, Sir Bernard Spilsbury, whose opinion was that Miss Kaye died as the result of violence delivered upon her at the back of her neck and that she could not have died rapidly, as the prisoner had said, as the result of falling on a coal cauldron.

Thirdly they would have to consider, if they came to the conclusion that the body was that of Miss Kaye, and that she died as the result of violence, at whose hands she received that violence. There was nobody in the bungalow with Miss Kaye but the prisoner. He had received different sums of money as the result of the sale of her securities.

* No verbatim shorthand note appears to have been taken of the speeches at the trial. As here given they are collated from various newspaper reports.

Sir Henry Curtis Bennett

He asked the Jury to dismiss from their minds anything they had read or heard of the case. Counsel went on to tell how, on the evening of May 2, Mahon went to the cloakroom at Waterloo Station which was being watched by police officers, and withdrew a Gladstone bag. He was stopped and admitted that the bag was his. He was then taken to Kennington Road Police Station, and afterwards to Scotland Yard. The bag was opened and found to contain women's garments, all heavily stained with blood, a cook's knife about ten inches long, and a small racquet case with the initials "E.B.K."—those of the dead woman—engraved upon it.

He was asked by Chief Inspector Savage how he came into the possession of these things. He replied "I am fond of dogs. I must have carried meat for the dogs in it." He was told that that explanation was insufficient. There was a quiet period of about a quarter of an hour and then the prisoner remarked, "I wonder if you realise how terrible a thing it is for one's body to be active and one's mind to fail to act."

Then there was another half-hour's pause, after which Mahon said to the detectives, "I am considering my position," and a still further pause of a quarter of an hour when he remarked, "I suppose you know everything. I will tell you the truth."

At this point counsel read the statement made by Mahon on May 2, which is given in full in Chief Detective Inspector Savage's evidence on page 38.

Sir Henry Curtis Bennett went on to describe discoveries made at the bungalow when it was visited

Sir Henry Curtis Bennett

by the police on May 3—bones among the ashes in the grates, portions of a body in a trunk marked "E.B.K.," a bag and boxes in the bedroom. In the dining-room was an iron coal cauldron with one of the legs bent. In the scullery there was the broken shaft of an axe which fitted another broken part found in the coal house. A saw similar to those used by butchers, it was important to remember, was found in the front sitting-room of the bungalow where, the Crown alleged, Mahon murdered Miss Kaye.

In a statement made by Mahon on the evening of May 3 he said that the quarrel took place on April 15 and not on April 16 as he had previously said. It was on the 16th, he added, that he went to London and met Miss Duncan. That alteration of the dates by Mahon in view of other matters was important.

Sir Henry Curtis Bennett read the statement made by Mahon on May 5, which is given in full in Chief Detective Inspector Savage's evidence on page 49.

Commenting on this Sir Henry said it was the second account by the prisoner of the alleged quarrel as the result of which, the prisoner said, Miss Kaye lost her life. "It would be of interest to know that careful examination had been made of the door between the sitting-room and the bedroom to see if there could be any marks on the door which one would expect to find if an axe had hit it so heavily that it had broken the shaft. There was no such mark."

Dealing with Mahon's statement that in the struggle after the quarrel Miss Kaye's head struck a coal cauldron, Sir Henry explained that at the time the

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bungalow was let the iron cauldron mentioned by Mahon was in the dining-room and not in the sitting-room, and that it was not found in the sitting-room by the police.

Sir Bernard Spilsbury would state that Miss Kaye at the time of her death was an expectant mother, and that she could not have received injuries from falling on the coal cauldron which would have resulted in her rapid death.

Miss Kaye was a tall athletic fair girl. Her age was in fact thirty-eight and a half. She had for many years earned her own livelihood, and in January of 1924 she had accumulated rather over £600, which she had invested in industrial and other securities. It would be proved that between February and April of 1924 Miss Kaye sold all her securities and put approximately £400 of the proceeds into a banking account, from which she afterwards drew out four hundred pound Bank of England notes. There would be evidence that three of these notes were cashed by Mahon in false names and false addresses. The fourth note was still in circulation. It had not come back to the Bank of England.

It was clear that Mahon was in Victoria Street on April 12, and that he purchased a cook's knife and a saw. Mahon himself said that it was on April 17 that he bought the knife and saw for the purpose of cutting up the body.

" If you are satisfied," said counsel, " that upon April 12, before the prisoner ever went into residence at the bungalow with Miss Kaye, he was buying that ten-inch knife and the saw, it may lead you a very long way towards coming to the conclusion that even

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at that date—three days before he says this quarrel took place with the result of her death—he had made up his mind to murder Miss Kaye. He was in possession of a cook's knife and saw. He was in possession of a good deal of money belonging to Miss Kaye, the proceeds of securities sold. How did he know that Miss Kaye was going to have a fall and meet her death that night ? "

Sir Henry dealt with the arrangements made for a Miss Ethel Duncan to stay at the bungalow with Mahon and produced certain telegrams. " When Mahon despatched these telegrams did he know that he would be free to meet Miss Duncan on the following night ? Hours before he said Miss Kaye met her death he is sending to Miss Duncan a telegram arranging for her to come to the bungalow on the following day."

On April 16 Mahon met Miss Duncan in London and dined with her. He stayed at the Grosvenor Hotel. On April 17 he was back in Eastbourne, for on that day he sent money to Miss Duncan and wired, " Meet train as arranged." On Good Friday Miss Duncan arrived at Eastbourne. They were together during the afternoon and evening. During dinner Mahon said, " I am putting a Yale lock on one of the rooms where my pal keeps a lot of valuable books."

At the bungalow Miss Duncan noticed that there were some ladies things about, and Mahon explained that his wife had been down during the previous week-end.

On the Saturday he drove to Plumpton Races. Apparently Mahon was beginning to realise that there was danger in having Miss Duncan at the

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bungalow, while in the next room to that in which they were sleeping, according to Mahon's story, was the decapitated body of Miss Kaye. From Plumpton he sent a telegram to himself as follows : " Waller, Officer's House, Pevensey, Eastbourne. Important see you on Tuesday morning, nine, Cheapside. Lee."

During that day he tried to put a Yale lock on the door, but finally told Miss Duncan that he had had it screwed up.

On the Monday Mahon and Miss Duncan returned to London and from that day Mahon spent his time either at home or at the bungalow going from one to the other. According to his statements he was during that time disposing of the body of Miss Kaye. He had said that he threw parts from the train between Waterloo and Richmond, and as he could not dispose of all he travelled to Reading and threw some out between Waterloo and there. In point of fact he stopped at Reading on April 27 in the name of Rees. On Monday, April 28, the bag was deposited at Waterloo, and on May 2 he was arrested.

" If these facts are proved," concluded Sir Henry, " it will be my duty to ask you for a verdict that Patrick Mahon is guilty of the murder of Miss Kaye."

Constables Shelah and Thompson

SECOND DAY, WEDNESDAY, JULY 16, 1924.

On the resumption of the proceedings while the next witness, Miss Ada Constance Smith, was being examined one of the Jurors had a fainting attack and the proceedings were adjourned for a short interval.

On the proceedings being resumed and during the cross-examination of Miss Smith the Juror was again taken ill. After an interval the learned Judge intimated that, from a report he had received, it was quite unsafe to proceed with the member of the Jury who had been taken ill, that it was necessary for a fresh Juror to be summoned, for the Jury to be resworn, and the trial to proceed de novo.

Upon the Jury being resworn another Juror was excused on the ground of illness. The ten original Jurors and two fresh Jurors were then sworn and the Prisoner given into their charge.

EVIDENCE FOR THE PROSECUTION.

POLICE CONSTABLE EDWARD SHELAH was called to prove measurements and to produce a model and give particulars of the Officer's House, Langney Bay.

DETECTIVE CONSTABLE MARK THOMPSON said that he was outside the cloakroom at Waterloo Station on May 2 when he saw a Gladstone bag handed to Mahon. As the prisoner walked away he stopped him and asked if the bag belonged to him. Mahon said that he believed it did, and when asked to show what it contained said he had not got the key. When told that he would be taken to Kennington Road Police Station he replied "Rubbish." The witness

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then took Mahon to the police station where he was detained until the arrival of Chief Detective Inspector Savage.

CHIEF INSPECTOR PERCY SAVAGE *called and examined by Sir Henry Curtis Bennett.*

SIR HENRY CURTIS BENNETT : Is your name Percy Savage ?—Yes.

Are you a Chief Detective Inspector, New Scotland Yard ?—Yes.

On the 1st May at about 7 o'clock did you go with another officer to the cloakroom, Waterloo Station, South side ?—Yes.

Did you there examine the bag, Exhibit 22 ?—Yes.

Was it locked ?—It was.

Were you able to see any of the contents ?—Yes, by opening the bag from the ends—pulling it in that way.

In consequence of what you saw did you cause an officer to keep observation upon that cloakroom ? —I did.

At half past eight the following night, the 2nd May, did you go to Kennington Road Police Station ?—Yes.

Did you there see the Prisoner detained with the bag ?—I did. I said : " I am a Chief Inspector from Scotland Yard. I understand you have been found in possession of this bag. I want you to give me an explanation as to how you became possessed of it." He said : " I suppose it is mine." I said : " Have you the key." He said : " No, I think I have lost it."

Did you then tell him that he would have to come with you to Scotland Yard where you would examine the bag ?—I did. He said : " All right."

Chief Inspector Savage

Did you take him to Scotland Yard with the bag ?—Yes.

And with Thompson, the last witness, I think ?—Yes.

When you arrived there did you take him into the Chief Inspector's room ?—I did.

At about 9.30 did you speak to him ?—I said : " Now look at this carefully. Is this your bag ? " He said : " Yes."

Did you then open the bag in the same manner as you had done in the cloakroom, by pulling open the sides ?—Yes.

Did you take something out ?—Yes, two pieces of new silk, a pair of torn twill bloomers, a towel, a silk scarf ; all blood-stained.

All those things were blood-stained ?—Yes—a brown canvas racquet case and a cook's knife.

Will you produce—I do not want it opened—the bundle, Exhibit 74. (*Produced.*) Does that bundle contain all the blood-stained articles which you found in that bag ?—Yes.

Did you also find a brown canvas racquet case with the initials " E.B.K." upon it, Exhibit 14 ?—Yes.

Were the contents of that bag covered with anything ?—Heavily sprinkled with Sanitas.

After producing those articles in the presence of the Prisoner, what did you say ?—I said : " How did you come into possession of these things." He said : " I am fond of dogs, I must have carried meat for the dogs in it." I said : " That explanation will not do as these stains are of human blood. I will have to detain you while I make further enquiries."

Chief Inspector Savage

What did he say ?—" You seem to know all about it." I said : " I cannot tell you what I know, it is for you to give me an explanation as to how these things came to be in your possession."

Did he then sit quite silent for about a quarter of an hour ?—Yes.

At the end of a quarter of an hour did he say something ?—He said : " I wonder if you can realise how terrible a thing it is for one's body to be active and one's mind to fail to act."

Did he then sit silent for another period ?—Half an hour.

Then what did he say ?—He said : " I am considering my position."

After that was there a further period of silence ?—Yes.

For how long ?—A quarter of an hour.

And then ?—He said : " I suppose you know everything. I will tell you the truth."

What did you then say to the Prisoner ?—I cautioned him. I said : " You understand that you are not compelled to say anything, but what you do say will be written down and may be given in evidence. He said : " I understand."

Did the Prisoner then start to make a statement and was the statement written down by Inspector Hall in your presence ?—It was.

After it had all been written down did you say anything to the Prisoner ?—I said : " I will read it to you." He said : " I would rather read it myself." I handed it to him and he read it.

Did he make certain corrections in it in his own handwriting ?—He did.

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Did he initial each page of it as being correct ? And did he in fact sign the last page ?—He did.

THE CLERK OF ASSIZE : " New Scotland Yard, 2nd May, 1924. Statement of Patrick Herbert Mahon. I have been cautioned that anything I say will be written down and may be used as evidence. I first met the woman about ten months ago. I met her in London. I became on intimate terms with her about six or seven months ago. Intimacy took place on several occasions at various places. She was in business at Robertson, Hill & Co., Copthall Avenue, London Wall. She was there when first I met her. She was a clerk. She has had several situations since then, her last being with a financial firm at Bond Street. On the 12th April, 1924, I met her at Eastbourne and we went to the Langney Bungalow, just outside Eastbourne. I stayed with her there until Thursday, 17th April. On the previous day, Wednesday, we came up to London to see some friend "—then " she was in trouble " is struck out and over it is written " and posted some letters."

" We returned to Langney Bungalow that same night. I do not know where she went whilst we were in London, she left me for an hour and I think she went to her late lodgings at 68, Guilford Street, Russell Square. I met her again at Victoria to return to Langney.

" During that night, the 16th, we quarrelled. We quarrelled over certain things and in a violent temper she threw an axe at me ; it was a coal axe. It hit me a glancing blow. Then I saw red. We fought and struggled. She was a very big, strong girl. She appeared to be quite mad with anger and rage.

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During our struggle we overturned a chair and her head fell on an iron coal scuttle and it appeared to more or less (not ' more or less '—that is in brackets and struck out)—" and it appeared to stun her." The first words " appeared to kill her " are struck out and " stun her " written over it. " This happened at about 12 o'clock midnight. I attempted to revive her but found she was dead. I continued my efforts to revive her but couldn't.

" The reaction after the struggle having set in, the consequences to me came home in stunning force. I put the body in the spare bedroom and covered it up with her fur coat. I came up to London on the morning of the 17th April and returned to Langney on the Thursday night, 17th April, fairly late, taking with me a knife which I bought in a shop in Town in Victoria Street, I believe it was a Staines shop. I also bought at the same shop a small saw. When I got back to Langney I was still so upset and worried that I could not then carry out my intention to decapitate the body. I did so on Good Friday. I severed the legs from the hips, the head and left the arms on. I then put the various parts in a trunk which I locked up. I left the trunk in the bedroom and locked the door.

" I have been down several times since wondering how I could dispose of the body. On the Saturday, 19th April, I stayed at the bungalow, also Sunday, and came back to London on the Monday, 21st. I did not touch the body either Saturday, Sunday or Monday. I again went to Langney on Tuesday, 22nd April. On that day I opened the trunk and burnt the head in the sitting-room grate. I next

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burnt the feet and legs in the same grate. I came back to Town either late Tuesday night or Wednesday morning, 23rd April. I went down to Langney again on Friday night, 25th April, and stayed at the 'Sussex' or 'Clifton' Hotel that night, going over to the bungalow about 10 o'clock on Saturday morning, the 26th April. I had to cut up the trunk, I also cut off the arms. I burned portions of them, the smell was appalling, and I had to think of some other method of disposing of the portions. I then boiled some portions in a large pot in the bungalow, cut the portions up small, packed them in the brown bag and I threw them out of the train whilst I was travelling between Waterloo and Richmond, these portions were not wrapped in anything, this was about 10 o'clock on Sunday night, 27th April. The bag to which I refer is the one now produced to me. I had intended to go home on the Sunday night, and as I could not dispose of all the portions between Waterloo and Richmond I went on to Reading and stayed at the Station Hotel in the name of Rees. I signed this name in the visitor's book. I signed the visitor's book.

" Next morning I came to London and left the bag in the cloakroom at Waterloo Station on Monday morning. I had disposed of the remaining pieces between London and Waterloo "—" London and " is struck out, and it reads : " I had disposed of the remaining pieces between Waterloo and Reading on the 27th April."

" The blood-stained cloth that was in the bag and that I now see was a pair of bloomers that I got out of the girl's trunk. I tore them up and used

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it to wrap up some of the flesh. The woman's name was Emily B. Kaye, a single woman, age 29, educated person, and when I first knew her ten months ago was secretary to Mr. Hobbins, of 12, Copthall Avenue. Mr. Hobbins was appointed Receiver to the Consols Aerated Company of Hanworth Road, Sunbury. In the course of her duties I got to know her as I had frequently to visit Mr. Hobbins' office. The time we quarrelled, at the Langney bungalow on the night of the 16th April would be between 9 and 10 p.m., and not midnight as I have stated. It was nearer 10 o'clock. It was about 10.30 p.m. when I realised that she was dead.

"We had dinner in Town (London) and we had only just arrived at the bungalow when the quarrel commenced. We had quarrelled on the way down. At the time of the quarrel she had removed her fur coat and hat and was wearing a greenish-grey tweed heather costume. She was not wearing the bloomers, part of which I now see. All the clothing Miss Kaye was wearing is now at the bungalow including stockings and shoes. Some of the clothes are in a trunk. The two pieces of white silk were in Miss Kaye's trunk and were used by me in wrapping up portions of the flesh. It became blood-stained in coming into contact with the body when I placed it in the bag. The powder in the bag is Sanitas and I used it because of the ghastly smell. I used two tins of it. It was about 6.15 p.m. to-day, 2nd May, that I went to Waterloo and got my bag from the cloakroom intending to go to Victoria and take it with me to Langney Bungalow as there are still some portions of the body remaining in the trunk. Such

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portions as are now at the bungalow are not boiled.

"The cause of the quarrel occurred in this way. I had arranged with Miss Kaye to do certain things, but my better nature prevailed. This appeared to inflame her with the result that she threw a missile which, although hitting me, did not injure me beyond a bruise. The rest followed as I have already said. This statement I have read over and is correct. I make this statement quite voluntarily as I only wished to speak the truth, no promise having been made to me. Signed: Patrick Herbert Mahon."

SIR HENRY CURTIS BENNETT: By the time that statement had been completed, altered, initialled and signed, would it be about 2.30 on the morning of the 3rd May?—Yes.

Did you then leave the Prisoner in the custody of Sergeant Frew?—I did.

Did you find at any time the key of the Gladstone bag?—No.

Did you in fact have to force the lock?—I did.

At 4 a.m. on the morning of the 3rd May did you leave with Inspector McBride and other officers—Inspector Hall, I think—for Eastbourne?—Yes.

Upon arrival were you met by Superintendent Sinclair of the East Sussex Constabulary and did you go with him and other officers to the Officer's Bungalow at Langney?—Yes.

You arrived there about half past eight in the morning?—Yes.

Had you in your possession those two keys, Exhibit 36?—Yes.

Chief Inspector Savage

Did you obtain admission to the bungalow by means of opening the front door with one of those keys ?—Yes.

Which room did you go to first—of course, you go into the front sitting-room—in the third bedroom. *This* one ?—Yes.

Was the door of that third bedroom opened or locked ?—Locked.

Where did you get the key for that ?—It was handed to me by Constable Thompson.

Going into that room did you find the usual bedroom furniture ?—Yes.

You see the third photograph in that book. Does that correctly show the condition of the inside of this bedroom No. 3 when you went into it ?—It does.

In addition to the ordinary furniture there is a large trunk shown upon the left-hand side ?—Yes.

A kit-bag near to the bed, and just behind the kit-bag, to the left of it, you can see a hat-box ?—That is so.

Is that the locked trunk which we see there ; is it *that* trunk ?—Yes.

It bears the initials of " E.B.K." upon it, and is Exhibit 8 ?—That is right.

The locked hat-box ; was that a brown leather one ?—Yes.

Is that the kit-bag, Exhibit 19 ?—Yes.

Was that also locked ?—It was.

Did you also find in that room two tins which contained Sanitas ?—Yes.

And on the floor of the room, to the right of the fireplace—that would be near where the chair is

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shown in the photograph ?—Yes, just by the right of the fireplace.

Did you find Exhibit 59 ?—Yes.

Look at it. (*Handed.*) You found that saw ?—Yes.

Did you take the trunk into the scullery ?—I did.

Did you there open it with one of the keys which was on the bunch, which had been taken from the prisoner ?—Yes.

Did you also open the hat-box with a key off the same bunch ?—Yes.

In Exhibit 8, what did you find—that is the trunk ?—Four portions of the trunk of a woman's body ; two portions wrapped in women's garments and brown paper, tied with string. One portion in women's garments and sacking. The fourth portion was in a woman's garment only.

Were those garments all stained with blood ?—Yes.

Was anything else covered over those things ?—Sanitas.

In the trunk did you also find a biscuit tin?—Yes.

Did that contain anything?—Yes, the internal organs.

Did you also examine the contents of the hat-box ? —I did.

What did it contain ?—A number of pieces of boiled flesh wrapped in women's garments.

Were all the articles which were found in the trunk and hat-box taken out by you and other officers and were they photographed and is that photograph No. 6 in that book ?—Yes.

After that photograph was taken were the articles or the body that you found—flesh—put back into the trunk and into the hat-box ?—Yes.

Chief Inspector Savage

Did you then examine bedroom No. 2—or which did you go to next ?

Mr. Justice Avory : The dining-room.

Sir Henry Curtis Bennett : Did you next go to the dining-room. *This* is the dining-room, next door to the No. 3 bedroom ?—Yes.

Examining the dining-room what did you find in the fire grate ?—I found a saucepan half full of red fluid and fatty matter.

By the side of the fireplace did you find anything ?—The coal cauldron.

Those members of the Jury who have not seen it or felt the weight of it yet can do so, but is it quite light ?—Quite light.

Are the legs of it solid or hollow ?—Thin and hollow.

Are they very easy to bend ?—Quite easy.

Was there also in that bedroom a tin containing Sanitas ?—Yes.

As far as that room was concerned were there any signs of blood marks ?—No.

On the coal cauldron itself did you discover a sign of blood ?—Two tiny spots.

One of them here I see has had a circle put round it ?—I believe that is it ; I am not quite sure.

Otherwise no sign of blood there at all ?—No.

Did you examine also the No. 2 bedroom (was that the next ?) or the sitting-room ?—The No. 2 bedroom.

That would be *this* bedroom. Examining that bedroom did you find in a chest of drawers two new locks, a Yale lock and a box lock ?—Yes.

With some keys, screws, screw-driver and a chisel, all new ?—Yes.

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Do you produce all of those fastened up together; Exhibit 76?—I do.

Does photograph No. 2 in the book represent the interior of the second bedroom as you found it?—Yes.

Did you go into the front sitting-room?—Yes.

At that time was any careful examination made of that room?—Not a complete examination.

Did you find ashes in the grate?—I did.

In that room was there any coal scuttle? (*Handed.*)—Yes, that is the one.

Do you remember where it was standing?—To the left of the fireplace.

Does the photograph No. 4 of Exhibit No. 2 properly represent the interior of that sitting-room?—Yes.

I see the coal scuttle is on the left of the fireplace?—Yes.

You see in the grate is standing a big saucepan. Was that there when you went into the room?—No.

Was that the saucepan which you have already mentioned?—No, this was another one which I took from the scullery.

Inside that saucepan were there any signs of anything?—Traces of fat.

In the scullery, that is the big room on the left-hand side, did you find that there was an open coal fire grate?—Semi-open.

What did you find in the scullery?—There was the bath with fatty matter in the bottom.

A movable bath?—A movable bath.

And this saucepan which you have spoken about?—Yes.

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Was there also a coal box in there ?—Yes.

And an ash tray ?—Yes.

Does the No. 5 picture in Exhibit No. 2 show the interior of the dining-room—*this* room—as you found it ?—Yes.

Does No. 1 show the Officer's Bungalow itself ?—Yes.

Subsequently after this examination and finding these trunks and opening them and finding what you have told us, did you return with Inspector Hall to Scotland Yard ?—Yes.

At about 8 o'clock that same evening, 3rd May, did you again see the Prisoner ?—Yes.

What did he say to you ?—" I have been thinking things over since I made my statement and I realise I have made a mistake in one of the dates."

Did he then make another statement which was taken down by Inspector Hall ?—Yes.

Did the Prisoner read it over himself in your presence ?—He did.

Having read it over did he sign it and did you witness his signature ?—I did.

The Clerk of Assize : Patrick Herbert Mahon saith : " Since I made my statement last night I have been thinking things over and I realise I made a mistake in one of the dates. The quarrel and other happenings took place on Tuesday, the 15th April, and not on Wednesday, the 16th April, as I have previously said. It was on the Wednesday, 16th, that I came up to Town and met Miss Duncan. I left her at Waterloo at between ten and half past so far as I can remember. I stayed at the Hotel Grosvenor, Victoria, that night and went to East-

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bourne the next morning. This I have read, it is true. Signed : P. H. Mahon."

Sir Henry Curtis Bennett : The next day would have been a Sunday, the 4th May ?—Yes.

Did you on the 4th May again visit the Officer's Bungalow with Sir Bernard Spilsbury ?—Yes.

I think you there met the Chief Constable of East Sussex and Superintendent Sinclair ?—Yes.

Did you upon that occasion make a further search of the premises and the trunks and what they contained ?—Yes.

Did you point out the trunks to Sir Bernard Spilsbury and did he have an opportunity of examining the contents ?—He did.

At about 11 o'clock in the morning of the 5th May, in consequence of information which you received from Inspector Hall, did you again see the Prisoner ? —I did.

What did he say to you ?—He said: "I wish to see you again as I do not think I have said all I desire to say on the matter. I should like to give you some further particulars. I asked for you yesterday but you were not in the building."

Did he then dictate a further statement which was written down by Inspector Hall ?—Yes.

Was it read over by the Prisoner himself ?—Yes.

Did he make some alterations in it ?—He did.

Was the statement eventually initialled upon every page by the Prisoner and did he sign it as being correct ?—Yes.

I think in this case he himself wrote the end of the statement ?—Yes.

The last paragraph of the statement ?—Yes.

MISS EMILY KAYE

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THE CLERK OF ASSIZE: "New Scotland Yard, 5th May, 1924. Further statement of Patrick Herbert Mahon: Since I made my last statement I have thought over the matter and I have asked to see you, Mr. Savage, as I should like to give you some further particulars. It is concerning how I became acquainted with Miss Kaye.

"I first met her in connection with my duties as Manager for the company already mentioned. Miss Kaye, of course, was aware of the fact that I was married, knew my wife by sight and had spoken to her on many occasions on the 'phone. Miss Kaye frequently rang me up and towards the end of August or September, I am not sure which, suggested a day on the river, which suggestion, as I was anxious to gain some impartial knowledge of the legal proceedings in connection with the litigation in which the company was concerned, I accepted. We spent the afternoon at Staines and Miss Kaye was particularly"—"particularly" is struck out—"was extremely affectionate and among other things told me she was particularly fond of me and wished to be friendly. Intimacy took place on that occasion; as a result I realised she was a woman of the world, which knowledge came rather as a surprise to me.

"Subsequently I met Miss Kaye of course, from time to time in the course of my duties and by her assertion"—struck out—"by her request met her on many occasions by appointment when we had lunch, etc. Intimacy took place on several other occasions. Just before Christmas Miss Kaye was dismissed from the office where she was employed at Copthall Avenue, and as a result had a lot of time

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on her hands and she wished me to see her more frequently which I was unwilling to do for several reasons. She reproached me on various occasions as being cold and told me quite plainly that she wished my affection and was determined to win it if possible. I felt sorry for the fact that she had been dismissed and did, as a result, meet her a bit more frequently. I temporized in the hope of gaining time but from that moment I felt more or less at the mercy of a strong-minded woman whom, although I liked her in many ways, I did not tremendously care for.

" About this time Miss Kaye suggested to me that we speculate together in francs and she being conversant with matters of this nature rather impressed me as to the possibilities and I trusted her knowledge and agreed to go in fifty-fifty. I gave her certain sums amounting in all to one hundred and some pounds in cash, which sum I raked up from my own banking accounts and which rather depleted my resources. At Christmas time or soon afterwards she went up North for a week or so and on her return I wished to know the position regarding speculation. I did not gain any actual satisfaction, at any rate I was not convinced by the explanation given, but eventually Miss Kaye handed me £100 in one note. This note I cashed, although rather surprised at the size of the note, this note I personally cashed at the Bank of England, although I did not sign my own name, fearing that she might have some ulterior motive. Miss Kaye asked me for some portion of this money back and I gave her thirty or forty pounds in £10 notes that I had received from the Bank of England. On a later date she informed me that

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she had bought and sold some more francs and could pay me more of the money due to me. This she did as before and the same procedure was adopted. Once again the note being of the same denomination, £100, it would be about a fortnight later or may be three weeks. The size of the note again impressed me and I mentioned the fact to her, but she only smiled and turned it off, making no definite explanation.

" After losing her berth with the financier in Bond Street she became thoroughly unsettled and begged me to give up everything and go abroad with her. She informed me of her great love and affection for me but I plainly told her that I could not agree to such a course. I agreed to consider the matter, however, in the hope of gaining some time but she suggested I should take a holiday and go away with her for a week or two and take a bungalow where we would be alone together and where she would convince me with her love that I could be perfectly happy with her. I again refused but she insisted and told me that she had determined to gain and retain my affection somehow. About this period she had an attack of 'flue and on her recovery she went down to Bournemouth. She wrote to me from Bournemouth at various times from the Regina Court Hotel where she stayed, again reminding of the suggestion she had made and asking me definitely to make a decision on her return.

" She returned from Bournemouth after a week or so and I met her at Waterloo and had tea with her in the tea room there. She startled me with the information that she had written to the Club Secretary

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giving up her rooms, and that she was determined to force an issue somehow. She suggested plans which I did agree with and I reminded her of the fact that I could not in decency break the pledge I had given my business friends to keep things going at the works until the litigation was finally settled."

MR. CASSELS : There is a word " not " in my copy. " She suggested plans which I did not agree with."

MR. JUSTICE AVORY : We must take the original now. In the original the word " not " does not appear.

MR. CASSELS : Not even appearing and struck out ?

THE CLERK OF ASSIZE : No " not " at all.

MR. CASSELS : I have not seen the original.

THE CLERK OF ASSIZE : " She suggested plans which I did agree with and I reminded her of the fact that I could not in decency break the pledge I had given my business friends to keep things going at the works until the litigation was finally settled. She however persisted and ultimately I agreed feeling it was my best course if only to gain time to consider the suggestion.

" I did not meet her again, although I had spoken on the 'phone, until Thursday of that week when she told me she had given out her engagement at the club to a man named Patterson. This knowledge startled me considerably. On the Friday morning—day before she left the club—she 'phoned me and called my attention to an advertisement in the *Telegraph* concerning a bungalow near Eastbourne. As a result I arranged to meet her and I did meet her during the afternoon at Hammersmith and we

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'phoned from there to Pevensey to the telephone number given in the advert. Mrs. Muir supplied on the telephone information concerning the bungalow and I promised to go down the next day and see it, which I did. I arranged with Mrs. Muir (Miss Kaye had suggested the previous day that I take the bungalow in an assumed name and haphazardly fixed on the name Waller) "—that is in brackets—" to take the bungalow for two months as I felt convinced that the experiment which Miss Kaye had suggested—that is a few days alone in which to gain my affection—would not succeed. I telephoned Miss Kaye on the Monday—she was still at the club—and told her that I had taken a two months' tenancy and this information roused her to fury. She told me she would go to Eastbourne and stay there until I came down on Thursday or Friday of that week. Meantime she would go over to Pevensey and have a look at the bungalow.

"I telephoned her whilst she was at Eastbourne and she told me she had been over on the bus to Pevensey and had taken tea at 'Bay' Hotel, which she disliked, but felt convinced that the spot and the nature of the bungalow would be ideal, her great idea being that we should be *toute-seule* and she admired the whole place, particularly the garden, etc. Her last words to me on the 'phone were 'Pat, old boy, you'll never regret it as I can make up fully for all you may have to give up.'

"I felt in myself very depressed and miserable and did not wish to spend the three or four days together as she desired, but as I had given my word, and as I felt that I could definitely prove during that time

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to Miss Kaye how foolish the hope it was on her part to expect to keep my affection, even could she gain it, I thought I had better go through with it.

"I travelled down to Eastbourne on the Friday, 11th, saw Mr. Muir at the bungalow and obtained the keys, informing him that my wife would be down the next day. I returned to Town the same evening, having some important business to deal with at the works and came again to Eastbourne on the Saturday when I met Miss Kaye, she bringing with her some of her luggage and I having with me my kit-bag. Miss Kaye was charmed with the place and told me again that she knew she was going to succeed in her object. To my mind this object was now an idea fixed, almost an obsession in her mind. She investigated the culinary arrangements and on the Saturday night we made together in Eastbourne various purchases for Sunday's meals, which she cooked, doing the house-work, and other things. Monday was spent more or less in the same way, but on Tuesday she started the morning at breakfast with a discussion on immediate plans. As a result she wrote some letters although I did not agree with her plans and eventually we came up to Town in the afternoon.

She met some friend or friends in Town, and during her absence, although I had agreed to go to the Passport Office to arrange for passport, I did not do so. We travelled back to Eastbourne and on the way the whole question was re-opened and I informed her that I had not been for the passport and did not intend to do so. We quarrelled and had heated words

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but eventually arrived at the bungalow more or less in calm mood.

" Soon after arrival Miss Kaye having taken off her coat and hat suddenly startled me with the expression on her face which appeared extremely determined. She sat down and wrote one or two letters which I did not read but which she said were more or less committing me and herself to a definite line of action. She also wrote a letter which was meant "—that is struck out—" She also asked me to write to the Assistant Secretary of a function of which I am the Honorary Secretary, stating that I was giving up the work and stating also that we were going overland to Paris for a time and then on to South Africa. I refused absolutely to write such a letter and felt that matters had come by now to a crisis. She, however, fumed and raged and finally wrote the note herself and begged me to sign it; again I refused. She actually commenced to sign but stopped and again implored me to write a letter or a similar letter to some of my near friends in connection with that tournament and also some of my friends in a private capacity. This appeared to anger Miss Kaye beyond endurance and she suddenly picked up a weapon—an axe—a coal axe—and threw it at me; it struck me on the shoulder and glanced off and hit the door of the bedroom, breaking the shaft. We then were in the front sitting-room " —" bedroom " struck out.

" I felt appalled at the fury she showed and suddenly "—struck out—" realised suddenly how strong the girl was. She followed up the throw by dashing at me and clutching at my face and neck. In sheer

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desperation and fright I closed with her doing my best to fight back and loosen her hold. We struggled and eventually, in the course of the struggle, we fell over an easy chair and Miss Kaye's head came in violent contact with the round coal cauldron. At this time we were in the front sitting-room, the coal cauldron was at the side of the fireplace in the sitting-room where we were. My body of course being on top when she fell, her hold relaxed a bit and she lay apparently stunned or dead.

" The events of the next few seconds I cannot remember except as a nightmare of horror, for I saw blood beginning to ooze from Miss Kaye's head where she had struck the cauldron. I did my utmost to revive her, and I simply could not at the time say whether I strangled her or whether she died of the fall, but from the moment she fell and struck her head she did not move. By this time the excitement of the struggle and the fright and the blows I had received had reduced me to a condition of nervous exhaustion, and as the realisation of the terrible position flooded my brain I think my mind was at the breaking strain. I cannot remember clearly the next few minutes, but this actually is the truth of what happened in the bungalow and of the events leading up to them, but I think I wandered or sat down in the garden for some time in a state bordering on madness. Eventually, however, I came back to the bungalow and pulled the body of Miss Kaye into the second bedroom, where the trunk was, where I placed it gently down covering it with her fur coat and placing underneath her head various clothing to soak up the blood which had flowed and

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still was flowing from the wound in her head." Then this in different handwriting. " This statement has has been dictated by me and contains the whole truth as I remember it and the latter part would have been given to Chief Inspector Savage on Saturday morning had he been in the building. I make it of my own free will and accord and no threats have been made to me to induce me to make it nor has any promise been made to me. P. H. Mahon."

Sir Henry Curtis Bennett: You have just handed in Exhibit 79, which was the second long statement which was made by the Prisoner?—Yes. After he had read that and had signed it, did he say something else to you?—He said: " There is something else I would like to tell you." I gave him a pen and paper and said: " You can write it yourself."

Did he then write that document, Exhibit 80?—Yes.

The Clerk of Assize: " Miss Kaye gave me another £100 note which we intended cashing on the Tuesday but did not, being too late. I cashed this in London some time after her death but I forget the actual date. P.H.M. I forgot to say that while Miss Kaye was in Bournemouth she asked me to come and see her but I compromised by going to Southampton staying the night there at the Southampton Hotel. She also purchased a ring in Southampton, I forget the jeweller's name. P.H.M."

Sir Henry Curtis Bennett: That again was witnessed by you?—Yes.

That same afternoon did you, with Superintendent Wensley, convey the Prisoner to Hailsham?—I did.

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And did you hand him over to Superintendent Sinclair ?—Yes.

There was one question I wanted to ask you about the front sitting-room. After hearing the statements of the Prisoner did you take particular note of the condition of the door between the front sitting-room and No. 1 bedroom ?—I did.

It was suggested by the Prisoner that an axe was thrown at him which struck the door and had the effect of breaking the handle of the axe. Did you find any mark upon that door which was consistent with an axe having struck it ?—No.

MR. JUSTICE AVORY : Mr. Cassels, would it assist you at all if I read you the note of his cross-examination, and you may supplement it in any way you please ?

MR. CASSELS : If your Lordship pleases ; that certainly would be a saving of time and I have no objection.

MR. JUSTICE AVORY (*to the Witness*) : Just listen and tell me is this correct : " At the time of the Prisoner's first statement I did not know of any crime committed or of the name of Miss Kaye " ?—Yes, my Lord.

" Some of his statements turned out correct including the name of the shop, Staines. The name is on the knife. I saw two places where paint had been knocked off the door ; that is from the sitting-room into the bedroom No. 1. There were no blood-stains in the dining-room. The coal was kept in the yard. I believe the works at Sunbury, that is Consols Aerated Ltd., were closed on Tuesday, 22nd April. The £10 note No. 96869 was received by

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Gamage's for the purchase of a tennis racquet on the 3rd April, 1924, delivered to the Green Cross Club. The racquet itself was found at the bungalow. £10 note No. 96873 was paid to W. Cranbrook, Jeweller, at Southampton, on the 27th March, for a ring. £10 note No. 96876 has on it the signature of E.B.K. with the stamp of the Regina Hotel, Bournemouth. I have ascertained that the deceased woman, Miss Kaye, had a passport which was found at the bungalow and which had expired in January of 1922, Exhibit 101." Then when you were re-called to-day you said: "I believe Miss Kaye made application in July, 1923, for a new passport." That is all?—That is correct.

MR. CASSELS: I am much obliged.

Cross-examined by Mr. Cassels.

If I may follow on with the question of the £10 note, I do not know whether you would assist me on this. Have you discovered that a note No. 3433 for £10 was received by the Head Office of Barclay's, from a branch, 61, Old Christchurch Road, Bournemouth?—What date?

The date when received I have no information about. A £10 note was paid into the Bank of England on the 1st March, 1924?—Yes.

That may be or may not be anything to do with Miss Kaye, but it gives it at Bournemouth.

MR. JUSTICE AVORY: Do you say that you believe that that was cashed at Bournemouth?—Yes, my Lord.

MR. CASSELS: Then about one other, Note No. 96872 for £10 received by the Southampton up

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booking-office upon the 27th March, 1924, for a ticket ?—Yes.

MR. JUSTICE AVORY : Which booking-office ?

MR. CASSELS : The up booking-office, Southampton, on the 27th March, 1924 for a ticket. Does it bear on it the stamp : " Up Booking-Office, Southampton West " ?—Yes.

And paid into the Bank of England on the 10th April, 1924 ?—Yes.

MR. JUSTICE AVORY : What is the date when it was cashed ?

MR. CASSELS : Cashed at the Southampton booking-office on the 27th March, 1924, reached the Bank of England on the 10th April, 1924. (*To the Witness*) : I want you to look at the coal cauldron if you will. (*Handed.*) Has that coal cauldron remained in the same condition in which it was discovered by the police in the dining-room ?—Yes.

Exactly ?—Yes.

There is no difference about it at all ?—No.

It is exactly as it was received ?—Yes.

MR. JUSTICE AVORY : You mean with the bent leg ?—Yes.

MR. CASSELS : Has it been used for any purpose at all since the visit of the police to the bungalow ?—No.

Not at all ?—No.

Perhaps for information you would be able to tell us —you went to the bungalow upon the 3rd May ?—The 3rd May.

It seems to have coal dust in it ?—Yes.

On the top of a newspaper ?—Yes.

Have a look at the date of that newspaper, will you ?—The 23rd May.

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MR. JUSTICE AVORY : This year ?—Yes.

MR. CASSELS : Can you explain at all how it comes about that that seems to have in it a piece of newspaper with coal dust on the top of the newspaper ?—No.

If you take the newspaper out—will you do that ? You see that the cauldron seems to have had a fair amount of use, does it not ?—Yes.

So much use that it has got holes in it ?—Yes, it has been repaired, I think.

And even been repaired ?—Yes.

We can all see that the legs are thin. They are sufficiently strong to support and must have been strong enough to support the coal cauldron with coal in ?—Yes.

That is clear. Did you notice one thing about that coal cauldron, the twisted leg. Is it almost exactly beneath the blood-stain which has been ringed ?—Yes ; the two spots of blood were above the twisted leg. They are tiny spots, not much more than a pin's head.

Of course, you, on the 2nd May, received information at Scotland Yard that a man was detained at the Kennington Road Police Station, that man having asked for the bag which you were having kept under observation ?—Yes.

Were you at Scotland Yard when the Prisoner arrived ?—I went to Kennington and took him to Scotland Yard myself.

You got there about half past nine ?—About nine.

He actually finished making his statement about half past two ?—Yes.

Chief Inspector Savage

You will agree with me he took a very long time to make this statement ?—Yes.

It was not a statement which was dictated straight down on to the paper, whoever may have been writing ?—No.

Occasionally, I suppose, questions would be asked him to clear up details ?—Yes.

And then even to help him with dates if he was doubtful about them ?—Yes.

And so on, apparently, until the small hours of the morning, this statement being written as he was making his various observations ?—Yes.

At one time during that period he collapsed ?—Yes.

And was revived by some sort of stimulant ?—Yes.

And then he went on again making the statements ?—He did.

You agree that you have been provided by the Prisoner in these various statements with a large amount of information connected with this case ?—Yes.

I am not going to suggest you would not have been able to have found all this out for yourselves, what I do venture to ask you is : In most of those statements which you have had, such as names, addresses, movements, things of that sort, have you found that the Prisoner's statements are correct ?—Yes.

It is only right I should put also to you that in some of the details the Prisoner's statements, particularly as to some dates, have been found to be inaccurate in certain details ?—That is so.

Chief Inspector Savage

Take, for instance, the date when he has suggested he met Miss Duncan. I think that is given as April 10th ?—Yes.

Was it more or less a date which he arrived at as the result of sort of working backwards, and perhaps your assisting him ?

Mr. Justice Avory : Are you suggesting that in his statement he said he met her on the 10th ?

Mr. Cassels : No, my Lord, not in the statement, I think it is in the evidence of Miss Duncan. I beg your pardon. That was the date given by Miss Duncan ?—Yes, I think it was.

Was that a date which was arrived at at all after any discussion with the Prisoner ?

Mr. Justice Avory : How do you mean, when they took the evidence of Miss Duncan ?

Mr. Cassels : I will take it by steps. Was there a statement taken from Miss Duncan ?—There was.

Was there a date given in the statement of the 10th April as being the date when the Prisoner first met Miss Duncan ?—I believe there was.

Was there any discussion at all with the Prisoner with regard to that particular date, the 10th April, as being the date ?—Miss Duncan's statement was taken after the Prisoner's statements.

Was there no discussion at all with the Prisoner with regard to that particular date ?—No.

Mr. Cassels : Did your Lordship have upon the note about the passport ?

Mr. Justice Avory : Yes, I read it, what he said yesterday and what he said to-day. " I ascertained that the deceased had a passport, that is Exhibit 101, which was found at the bungalow and

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which had expired in January of 1922." And recalled to-day he said: "I believe Miss Kaye made application in July, 1923, for a new passport."

MR. CASSELS: I am much obliged to your Lordship. (*To the Witness*): There is one other question. The Prisoner's wife was employed, was she not, and still is employed at Sunbury at the works of the Consols Automatic Aerated Co. ?—Yes.

You have seen her ?—I have.

Has she given to you any dates at all upon matters that you required to have cleared up ?—She has.

MR. JUSTICE AVORY: We cannot have that. We really must keep somewhere within the rules of evidence.

MR. CASSELS: I will leave it that you have seen her. About the knife, Exhibit 59. (*Handed.*) You had the statement from the Prisoner about the place where the knife and saw had been purchased, had you not ?—Yes.

The name of Staines' shop. Staines' shop is a very well-known shop, is it not ?—Yes.

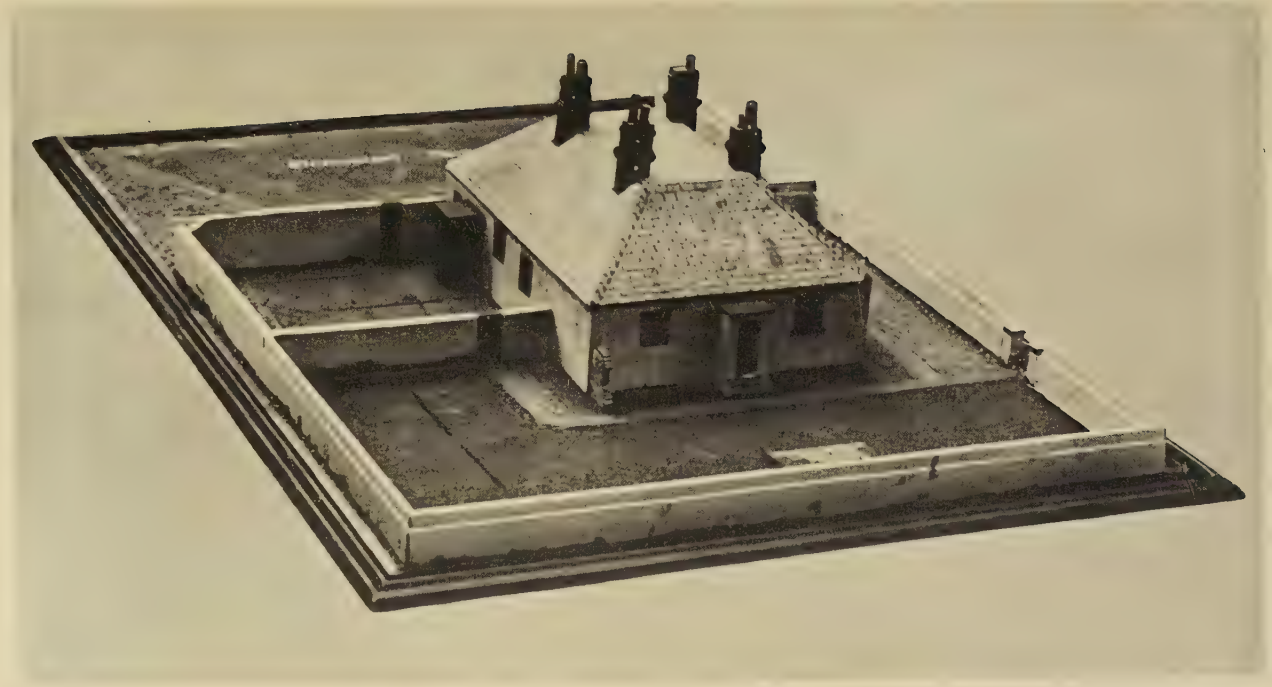
It occupies a prominent position in Victoria Street, and it is only right to say that this knife has the name of the shop upon it ?—That is so.

The saw has not ?—No.

The saw you found in the bungalow ?—That is so.—I want you to undo, if you will, Exhibit No. 76. (*Handed.*)

MR. JUSTICE AVORY: 76 is the packet of locks and screws ?

MR. CASSELS: Yes, my Lord. It contains the Yale lock, the box lock—chisel, screw-driver and gimlet, some screws and keys.



Topical Press

THE MODEL OF THE CRUMBLES BUNGALOW

Chief Inspector Savage

All new ?—All new.

Do you produce one part of a box lock ? That type of lock requires the box, does it not, for the bolt part to go into it ?—Yes.

Did you find that, or did you find a box part of the lock on one of the bedroom doors ?—Yes, on the No. 2.

Screwed on above the other box lock already there ? —Yes.

Did you find also marks upon the door of tools ?— Yes, chisel marks.

Chisel or saw ?—Chisel.

I see what you said about it at the Police Court was that there were marks on the door of bedroom No. 2 which might have been made by a saw and chiselled over ?—Yes, chisel marks that were on the door.

There is one thing I did not ask you before and I will ask it now. Among the things that you found at the bungalow did you find a box of chocolates ?— Yes.

With only a few of the contents out ?—Yes.

Were you satisfied from your examination of the premises that so far as you could see there had been no struggle—nothing upset in the dining-room ?—Yes.

Re-examined by Sir Henry Curtis Bennett.

I do not quite know the importance of it, but whereabouts was the box of chocolates found ?— In bedroom No. 1.

The front bedroom ?—Yes.

Mr. Justice Avory : Can it be of any importance possibly ?

Chief Inspector Savage

SIR HENRY CURTIS BENNETT: I do not know. My friend asked the question.

MR. CASSELS: I asked the question because there may be certain evidence about it having been left in the bungalow and I do not want it to be said that I did not put it in cross-examination to this witness.

SIR HENRY CURTIS BENNETT: As the question has been put, you say you found it in bedroom No. 1?—Yes, on the table in the chest of drawers near the window.

The lock which you have been asked about, or the bolt of the lock, was that on the door of the No. 2 bedroom, on the door leading into the passage?—It was.

And that is the room into which, according to the Prisoner, the body was first taken from the sitting-room—No. 2 bedroom?

MR. JUSTICE AVORY: Is it called No. 2?

SIR HENRY CURTIS BENNETT: It is not mentioned as No. 2, but it is the room which is next door to the No. 1 bedroom. Is not that so?—My recollection is that he said he took the body into the bedroom without saying which bedroom.

At any rate that is the opposite door to the No. 2 bedroom, that lock?—Yes.

The saw had no name upon it?—That is so.

That was found in the bungalow?—Yes.

The knife has got a name upon it?—Yes.

You found that ——?—In the Gladstone bag.

My friend Mr. Cassels has asked you about any help which was given the Prisoner when he was making his statement as to dates. Was any help given as to dates?—No.

Chief Inspector Savage

Do you know the date upon which the coal cauldron went to Mr. Webster ?—No ; Inspector Hall could tell you that.

You have not got it clear in your mind ?—No.

After being to Mr. Webster was it taken to Hailsham for production at the Police Court ?—Yes.

Could you tell me the date of the first hearing at Hailsham Police Court ?—Perhaps you will agree, the 22nd May.

MR. CASSELS : Yes.

SIR HENRY CURTIS BENNETT : The 22nd May ; my friend says I may put the date to you ; that was the first hearing when any evidence was really taken ? —Yes.

Was the case then adjourned until the 30th May ? —Yes.

Would the cauldron be at Hailsham from the 22nd until the hearing upon the 30th May and then returned to Mr. Webster ?—It was taken to Mr. Webster on two or three occasions, brought from Hailsham, then taken back to London, and finally produced at the Police Court and left there.

So that the newspaper which is apparently inside the cauldron, of the 23rd May, would be the date after the first real hearing at the Hailsham Police Court ?—Yes.

MR. JUSTICE AVORY : It is quite clear anybody may have put that newspaper in it. I see, Sir Henry, you are right, in the last statement the Prisoner made, he said : " I took the body of Miss Kaye into the second bedroom, where the trunk was."

SIR HENRY CURTIS BENNETT : I had in my mind that that was so.

Detective Sergeant Frew

DETECTIVE SERGEANT THOMAS FREW, Metropolitan Police, New Scotland Yard, said that on the early morning of the 3rd May he was put in charge of the Prisoner and remained in charge until 3 p.m. on Monday, 5th May. In the early morning of the 3rd, after 4 a.m., the Prisoner made a number of observations to him after being cautioned.

Mahon said : " I boiled some of the flesh in a pot. I burnt the head in an ordinary fire ; it was finished in three hours. The poker went through the head when I poked it. The next day I broke the skull and put the pieces in the dust-bin. The thigh bone I burned. It is surprising what a room fire will burn. There is one in the back sitting-room and one in the front sitting-room. You will find some bones there. Her clothes are still there. The reason for going for the bag was because I was returning to the bungalow that night to get some more flesh. She intended going abroad. She left Robertson, Hill & Co. just before Christmas last, and has had two berths since, the last somewhere in Bond Street. She had also been doing temporary work at a Bureau. I took the bungalow on the 11th April from a Mrs. Muir until the 6th June. Miss Kaye was not in a situation ; she had been away to Bournemouth. I did not go away with her on the 11th April when I took possession of the bungalow. I went down on that night. Miss Kaye was already in Eastbourne. She was stopping at the Kenilworth Court Hotel in her own name. I went down first on Monday, 7th April. She had her clothes with her at the hotel. She gave up her place at the Green Cross Club on the Monday and went down to Eastbourne and I arranged to meet

Detective Sergeant Frew

her at Eastbourne. I am referring to the 11th April. We went to the bungalow. We stayed there until the Wednesday and came to London. She posted some letters in Town. We came back to Eastbourne somewhere after 8 o'clock. We quarrelled on the way down. We had a row afterwards. I did not stop at the bungalow that night. I went into Eastbourne. It can be corroborated. I do not want to bring anyone else into this. I met about six weeks ago on a wet night a lady at Richmond. She was soaked to the skin. I saw her home. She was a woman down on her luck, not a prostitute. She said she was going to Isleworth. She had walked from Kensington. She told me her history. She had been married. We did not walk. I had taken the bungalow. My wife is Secretary of the Company (Consols). She has been to Hospital to-day. She will have to have an operation. I thought if I took the bungalow it would be a nice surprise for her. When the quarrel happened and the realisation of the whole thing dawned on me they struck me—the damn place struck me—it was haunted. I thought: I can't get the wife down—if I do she will find the body. I got this girl, the one I met at Richmond—I thought I was doing her a good turn—down to the bungalow. The room was locked but she cleaned the place up. I brought her up to Town on the Monday and I went down again on the Easter Tuesday and went on with the ghastly business of disposing of the body which was in the room in a trunk. I wired to the girl on the Thursday, 17th April: Miss Estell Duncan, 55, Worple Avenue, Isleworth, from Eastbourne, for her to come down. She came down on

McBride, Sinclair, Holden

Good Friday and went back on Easter Monday. I never confided in her as to what had happened. She saw feminine articles about and I told her my wife was down. She had been in good circumstances. I thought I was doing her a good turn. I should have gone stark raving mad if I had not had her with me. It was ghastly. I used the silk and cloth to wrap pieces of flesh in—boiled flesh. The silk was in the trunk and the blood-stains will be from the body which I put in there."

Cross-examined by Mr. Cassels.

It was not a dictated statement. I put down everything appertaining to the case, but not everything he said. Sometimes the Prisoner went on to private affairs which I did not make a note of.

Detective Inspector William McBride, Metropolitan Police, Scotland Yard, produced a series of photographs which were used to illustrate the evidence.

Superintendent David Sinclair, of the East Sussex Constabulary, gave evidence that in a kit-bag discovered at the bungalow there were found a tortoise-shell brush and comb, a hand mirror, a pendant and beads, a gold wrist-watch, and a diamond and sapphire ring. He also found at the bungalow certain articles of women's clothing, fragments of charred bone, and in a fireplace what appeared to have been a wedding ring. When Mahon was formally charged with the murder on May 5 he replied, "I have made my statement. It was not murder as my statement clearly shows."

Police Constable William Holden, of the East Sussex Constabulary, proved the finding of the blade

Sprackling, Harrison

of an axe under about six inches of coal in the coal-house of the bungalow.

Detective Sergeant Algernon Sprackling, Metropolitan Police, New Scotland Yard, said that on the 9th May he assisted in a further examination of the bungalow, and made a list of contents of kit-bag and other things found—(Exhibit 19). In bedroom No. 2 he found an attache case, and six hats in bedroom No. 1. In bread-pan in scullery he found broken shaft of an axe which fitted the other part of axe (Exhibit 20).

On the 20th May he received from Sergeant Sheppard a box containing remains of bones which he handed to Sir Bernard Spilsbury.

Mrs. Elizabeth Beilby Harrison said she was the wife of Mr. Leonard Harrison, and sister of Miss E. B. Kaye. Last saw her sister alive at the New Year, when she came to stay with the witness. Received letter from her written on 5th April. She was tall, fair with bobbed hair. Produced birth certificate (Exhibit 3), which shows she was born on 26th November, 1885, and was 38½ years of age at time of her death. Parents died when she was about 17, and since then had earned her own living as a typist and clerk and secretary.

Produced two photographs of deceased taken at different times, one with hat and one without.

Identified Exhibit 4—tortoise-shell brush, mirror and comb—as having been her sister's property, also fur coat (Exhibit 5) and hat (Exhibit 6). She had also seen a quantity of other clothing, hats and shoes, which she had identified.

Mrs. Harrison

Her sister had a brown fibre trunk with initials "E.B.K.," which she identified.

She recognised pendant and necklace of green beads, and gold wrist-watch (Exhibit 9).

Exhibit 40—piece of paper found on prisoner with "1,805.85 Francs" in ink. This was in her sister's handwriting. Also "at 75," showing rate of exchange, looked like her handwriting. Also stamped envelope found upon Prisoner (Exhibit 42) was addressed in her sister's handwriting. Exhibit 43—letter dated 14th April, 1924—was also in her sister's handwriting, and also Exhibit 43A.

Cross-examined.

Exhibit 43A bears postmark April 16th, 10.15 p.m. She did not know that her sister was going to Eastbourne. On 5th April she was writing from the Green Cross Club. "I knew from her she was going abroad because she was engaged to a man named 'Pat' who had a good post in South Africa—Cape Town—who wanted her to go with him. I heard this from her letter to me from Bournemouth, and in her letter to me of the 5th April she said they would be off in ten days' time. She was strong-minded and physically strong. I understood they were to be married when they had been out there a little while. Prior to 5th April she told me his name was Pat Derek Patterson. My sister was very athletic. I just knew what my sister told me about the man she said she was engaged to, nothing more than I have already said. My sister told me nothing more."

MR. JUSTICE AVORY: I think there is one question you ought to be asked. You have been asked whether

Smith, Warren

she was strong minded and strong physically and athletic. What sort of temper had she?—Quiet and rather placid. She did not get into a temper. She was not in the habit of getting into a temper? —No.

Miss Ada Constance Smith, Secretary of Green Cross Club, 68 and 69, Guilford Street, Russell Square: Miss Kaye came to live at Club on 1st May, 1923, and left on 7th April, 1924. In March she suffered from influenza and went for a holiday, returning on 31st March. On returning she showed me a ring similar to Exhibit 12. I knew Miss Kaye pretty well and should describe her as of a very quiet disposition, placid and very even-tempered. Recognise photo (Exhibit 11). Did not see Miss Kaye at Club on 15th April.

Cross-examined.

Do not suggest I knew everything there was to be known about Miss Kaye. She gave notice she was leaving the Club on about 25th or 26th March and went away on the Saturday. She told me she was engaged to a man whose name I took to be "Peterson." I knew the name of "Pat," some man having given me that name on the telephone who wanted to speak to Miss Kaye. She told me she had known him for several months.

Miss Edith Mary Warren: I live at the Green Cross Club, 68, Guilford Street, London, and have done so for about two years. I recognise Exhibit 11 as a photograph of Miss Kaye.

I knew her well and had known her since the Spring of last year. She was known to me as "Kaye"

Miss Warren

or "Peter." I would describe her, as far as temperament was concerned, as serious and placid. She was not a lady who very easily lost her temper; I have never found her in a temper. For some time I shared a room with her.

I remember in March Miss Kaye going away for a holiday after having influenza. When she came back she showed me a ring. Exhibit 12 is the ring—a diamond and sapphire ring.

Have seen the Prisoner at the Green Cross Club—it was about Christmas. He called and I opened the door to him. He told me he wanted Miss Kaye, and I saw them subsequently go off together in the evening about seven.

I identified the Prisoner at Hailsham among a number of other men.

I recognise Exhibit 13—the fawn coat and skirt—as having belonged to Miss Kaye; I helped her buy the material. I know the trunk with "E.B.K." on it, and recognise the sports-bag, Exhibit 14.

Cross-examined by Mr. Cassels.

I would not agree that Miss Kaye was well above the average height, or that she was exceptionally strong physically.

I gave evidence at the Police Court. Did not say there that Miss Kaye was well above the average height of a woman and was exceptionally strong physically, or anything like it. I said she was shorter than I am, and I said I was 5 ft. 9 in., which is not exceptional.

MR. JUSTICE AVORY: She was not in fact so tall as you?—No.

Miss Warren

She was a strong-minded woman and capable of very deep feeling. I am quarrelling with the words " exceptionally strong physically." I never said that at the Police Court. I said she was strong ; she was by no means exceptionally strong. She was not nearly as strong as I am ; I should not call myself exceptionally strong.

The ring was shown to me by Miss Kaye upon her return from Bournemouth and was described as an engagement ring. She told me that the name of the man she was engaged to was " Pat," which was the only name given me at that time.

Between the time she returned from Bournemouth and leaving the Club I was in her company in the evenings part of the time, and it was then I got further information from her and ascertained another name for the man besides " Pat." She asked me to call him by another name because a girl in the Club knew some of his business acquaintances, and that name was " Derek Patterson."

Mr. Justice Avory : I want to hear this. I did not catch exactly what you said. Would you repeat that ?—She asked me to call her Pat by another name because one of the girls at the Club knew some business acquaintances of Pat, so she asked me to call him in front of the girls at the Club " Derek Patterson."

I knew from her what his business was ; he was manager of a soda-fountain company. She seemed very fond of him.

I cannot quite remember but I do not think she mentioned whether she had seen him while she had been away at Bournemouth.

Muir

I was known at the Green Cross Club by Miss Kaye as "Phiz." That was my nickname at the Club.

I remember receiving a letter (Exhibit 43A) from Miss Kaye, the postmark of which was "London, S.W.1. April 16th. 10.15 p.m.," as follows:

"Kenilworth Court Hotel, Eastbourne, Monday. Dear Old Phiz, Very many thanks for sending on the parcel. Apparently you're up in Town this week-end. I wonder if Fred is up with you. Pat arrived intact, but his arm in a sling, on Saturday and we are having a very nice time ; quiet, but a nice change from Town. He particularly wants to get to Paris for Easter and would like you and Fred to come and have dinner with us when we return to Town, which we shall have to do for a few days in about a fortnight before setting out on our final journey. This will probably suit you both better, too, at any rate I hope so and shall look forward to seeing you then. Any news ? We are returning from here Wednesday and go straight over to Paris. Gay old Paris. All news when we meet. Love to all my pals at the Club and lots to yourself, old thing.—Yours ever, Peter.

P.S. If any more letters or anything should come will you send them to me c/o Poste Restante, G.P.O., Paris ? Hope you have a good Easter."

MR. GEORGE BELL MUIR, of 55b, Greencoat Place, Ashley Gardens, London, said his wife and himself were great friends of Mrs. Hutchinson, the owner of Officer's Bungalow. He advertised the bungalow to let, and the same day received a telephone message. He afterwards saw the Prisoner, who gave name as

Waller at Officer's House and he agreed to take bungalow at three and a half guineas a week from 11th April until 6th June. He had used an axe, similar to Exhibits 20 and 21, at the Officer's Bungalow. The witness saw the Prisoner in Victoria Street, London, on April 12 about noon and spoke to him. Mahon was then carrying a bag.

Mrs. Margaret Nevin, cook-housekeeper employed by Mrs. Hutchinson: Identified coal cauldron which, when she left bungalow on 11th April, had all three legs straight, not one bent as now. There was the axe produced, when she left, at the bungalow. Able to identify it by the initials " K.H." on handle. It was used for chopping wood and breaking coal and was usually kept in the scullery.

Frederick Charles Stoner, employed by the Staines Kitchen Equipment Co.: Produced duplicate invoice of a sale on 12th April of a cook's knife, a saw and a knife cleaner which he sold to Mr. Mahon, the Prisoner, whom he afterwards identified at Hailsham. He sold the articles after 1 p.m. He was not positive that he sold the knife cleaner to Prisoner but had no doubt about the other two.

George Alfred Frankcon, Manager of the Staines Kitchen Equipment Company.

The learned Judge suggested that this witness was not needed after the last one.

Cross-examined. His description of the saw was that it was an eight-inch tenon saw and could be used for any purpose. For kitchen equipment it was termed by cooks a meat saw.

Miller, Hammett, Atkins, Luckhart, Brown, F. C. F. Bambridge

MONTAGUE GORDON MILLER, Salesman to the Executors of William Crambrook of 126, High Street, Southampton, Jewellers : Exhibit 12, the diamond and sapphire ring, was sold by his firm on March 27 for £12 10s. He was unable to say whether the customer was a male or female. As part of the purchase price he believed he received a £10 Bank of England Note which was paid into Lloyds Bank, Southampton, the following day.

WILLIAM STANLEY HAMMETT, Assistant Manager at the South Western Hotel, Southampton, produced the hotel register. On the 27th March, Mr. and Mrs. P. H. Mahon, of Richmond, Surrey, registered in that name, and stayed one night at this hotel.

MISS LUCY MAUDE ATKINS, Manageress of the Kenilworth Court Hotel, Eastbourne: She did not think she would be able to recognise Miss Kaye if she saw her. She remembered a lady coming to stay at the hotel on 7th April who stayed until the 12th. She saw her once afterwards on the 14th or 15th when she called for a parcel.

MISS SUSAN LUCKHART, Chambermaid : Up till 3rd May was employed at Kenilworth Court Hotel. She recognised a photograph as that of a lady who stayed at the hotel whom she knew as Miss Kaye. She did not know the dates but it was before Easter.

MISS ETHEL BROWN, Reception Clerk, Bonnington Hotel, Southampton Row, produced the hotel register in which on the 9th April there was an entry which read : " J. Waller, 13, Clifton Gardens, Bristol."

FRANCIS CLARENCE FREDERICK BAMBRIDGE, in partnership with his brothers as taxi-cab proprietors

Marley, Boniface, W. G. Bambridge

at South View Garage, Pevensey Bay: On the 11th April he went to the Officer's Bungalow at the Crumbles at 3.45 p.m., when the Prisoner got into his taxi-cab and he drove him to Eastbourne Station. He did the same thing on the Sunday after Easter Sunday, the 27th April, about a quarter to six, when the Prisoner had a medium-sized leather bag with him.

Reginald Stanley Marley, taxi-cab driver at Eastbourne: He drove Prisoner from Eastbourne Railway Station to the Officer's Bungalow in the evening of the 12th April between 6 and 7 with a lady. He remembered putting a trunk at the back of the car similar to Exhibit 8 and two or three smaller bags, and afterwards deposited same inside the bungalow.

Henry George Boniface, a cloakroom clerk at Eastbourne Station, said that on April 12 he handed three pieces of luggage to a man he identified as Mahon. He had one arm in a sling.

William George Bambridge, brother of the other witness: On the 12th April, about a quarter past seven, he drove the Prisoner and a lady from the bungalow to the Sussex Hotel, Eastbourne. The lady was tall and fair. He subsequently drove them back to the bungalow about ten or five minutes past. On 17th April he saw Prisoner on the road near the bungalow just after 9 p.m. and drove him to the Clifton Hotel, Eastbourne. On the 20th April he drove him, he believed with a lady, whom he thought was a different woman to the other one, to the same place. On the 26th April, about 1 p.m., he drove him to the Bay Hotel, Pevensey Bay, and about

Francis, Tate, Durrant, C. J. Bambridge

7 p.m., the same day, from the bungalow to Eastbourne Railway Station.

Frank Ernest Francis, a butcher, employed at the Sussex Stores, Eastbourne, gave evidence of attempting to deliver some parcels at the bungalow at about 6.20 on the night of Saturday, April 12. He could get no reply and left the parcels at some adjacent cottages. On the following day he called about 11 a.m. and for some time could get no response. Eventually Mahon came to the door and the witness fetched the goods and gave them to him. He saw a woman in the bungalow through the window.

Mrs. Florence Amy Gertrude Tate, of No. 6 Langney Bungalows, said on the morning of Sunday, April 13, Miss Kaye called at her bungalow and borrowed some milk. She returned the milk later in the day. That same day witness saw Miss Kaye walking arm in arm with the Prisoner towards the sea.

Samuel Durrant, Traveller, employed at the Sussex Stores, Eastbourne: At about 11 a.m. on 15th April he called at the bungalow and ultimately saw the Prisoner who came after him as he was going away.

Cecil James Bambridge said that he drove the Prisoner from the bungalow on the 16th April about 3.15 to Bexhill Post Office and back to the Station at Eastbourne in time for the 4.30 train to London. On the 26th April he drove him from the Pevensey Bay Garage to the Officer's House and on the 27th, about 1 p.m., from near by the Officer's House to the Royal Hotel, Eastbourne, and back again about an hour afterwards.

The Court Adjourned.

R. D. F. Hill

THIRD DAY, THURSDAY, JULY 17, 1924.

MR. REGINALD DAY FINCH HILL, partner in the firm of Robertson, Hill & Co., Chartered Accountants, of 10 & 12, Copthall Avenue, London, said:

Miss Emily B. Kaye was employed by my firm as a shorthand-typist from January until the 31st October of last year, 1923. She was shorthand-typist to Mr. Hobbins, one of the partners in the firm. She left our employment owing to rearrangement of the staff.

In May, 1922, Mr. Hobbins was appointed Receiver and Manager, by the Court, of Consols Automatic Aerators Ltd., of Hanworth Road, Sunbury, in a Debenture Holders action.

Prior to the appointment of the Receiver the Prisoner was employed by that Company as a Salesman, and subsequently he was appointed Manager under Mr. Hobbins. In his position as Manager under Mr. Hobbins he would from time to time visit our office and would have an opportunity of becoming acquainted with Miss Kaye.

Cross-examined:

Miss Kaye was Mr. Hobbins' clerk. The Prisoner was Manager at Sunbury of the Company and his wife was employed there in the Accountancy Department.

We paid Miss Kaye one month's wages in lieu of notice.

Mr. Hobbins has been discharged by the Court, and Mrs. Mahon is still employed there.

Miss Kaye's duties would be principally to attend to Mr. Hobbins' work, and during the Receivership

le Marquand, Bennett

Mr. Hobbins would be very closely associated with the business of Consols Automatic Aerators Ltd. Mr. Hobbins would dictate letters to Miss Kaye, who would do his typing. So far as the correspondence would show, Miss Kaye would be conversant with Mr. Hobbins' work.

The Prisoner would visit our offices occasionally in connection with the work of the Company and would be known in the office as Mr. Mahon.

It was known in the office generally that Mrs. Mahon was engaged in some capacity at the works at Sunbury.

Mr. Hobbins went to America on the 17th May, 1924. The Receivership started in May, 1922, and ended on the 17th May, 1924.

During the whole period of the employment of Miss Kaye in our office there would be in the office, in the charge of Mr. Hobbins, the work of Consols Automatic Aerators Ltd. at Sunbury.

Miss Maude Bruce le Marquand, a reception clerk at the Grosvenor Hotel, Victoria Station, said that a man who gave the name of Patrick Herbert Mahon, and an address at Richmond, stayed alone and without luggage at the hotel on the night of April 16.

Mr. Walter Alfred Bennett, manager of the Clifton Hotel, Eastbourne, produced the hotel register, in which there was an entry under date 17th April, 1924, of "J. Waller, Bristol," which was written by a man who stayed at the hotel on the night of the 17th April.

Miss Duncan

MISS ETHEL PRIMROSE DUNCAN, *examined by Sir Henry Curtis Bennett.*

Are your names Ethel Primrose Duncan ?—They are.

Until recently you were living with your sister at Isleworth ?—Yes.

Do you know the Prisoner ?—Please do not ask me too many questions.

Do you know a man of the name of Patrick Mahon ?—I do.

When did you first meet him ?—On the 10th April.

Do you remember where ?—In Richmond.

About what time was that ?—At, I think, nearly 10 o'clock p.m.

Did he walk back part of the way with you to your sister's house ?—Practically to my home.

Did he tell you what his name was ?—No, only that it was Pat.

Did he tell you anything about his business ?—I think he said he was in business at Sunbury.

Did you know where he lived ?—He said in Richmond, but not where.

Did you know whether he was married or not ?—Yes, he told me he was married.

Did he say anything else about his married life ?—He said it was a tragedy.

Did you tell him where you lived ?—I did.

MR. JUSTICE AVORY : You told him the address ?—I gave him my address.

SIR HENRY CURTIS BENNETT : You told him the exact address ?—Yes, I gave him my address.

MR. JUSTICE AVORY : I do not gather that the witness has identified the Prisoner. You have seen

Miss Duncan

the Prisoner, have you not?—No, I have not in Court.

MR. JUSTICE AVORY: Let him stand up.

THE WITNESS: Oh, please do not.

SIR HENRY CURTIS BENNETT: Did you see the Prisoner at Hailsham?

(*The witness broke down.*)

THE WITNESS: I recognise him.

When you gave him your address did he say anything to you?—Asked me if I would dine with him the following week.

Was any definite day fixed?—Not definite, but probable.

What did he say about that?—Probably Wednesday.

How were you to know whether you were actually to dine with him on Wednesday or not?—Only by asking if he would let me know by Wednesday evening.

He said probably you would dine with him; he asked you to dine on Wednesday?—Yes.

And you asked him to let you know by Wednesday evening?—If I was dining with him on Wednesday please could I know by the morning.

You told us he left you that evening near your sister's house, where you were living?—Yes.

Did you get a telegram?—I did.

When was that?—I think it was between 4 and 5; I am not certain of the time, on Tuesday, April 15.

Did you destroy that telegram?—Yes, I did.

Will you just look at Exhibit 46? (*Handed.*)—I have seen this telegram before.

Do you think that those were the words upon the telegram that you received?—I am almost confident they are.

Miss Duncan

" Charing Cross 7 to-morrow sure Pat." Did you go to Charing Cross the following evening at 7 o'clock ?—I did.

That would be Wednesday, the 16th ?—Yes.

On that day did you meet the Prisoner ?—I did.

About what time did he arrive ?—I think about 7.50.

Did you dine with him at the Victoria Station Restaurant ?—I did.

Did you notice anything about the Prisoner upon that day ?—Do you mean about his wrist ?

Yes ?—His wrist was bound up ; I think it was the right wrist. I said the left before, but I think now it was the right.

Did he give you any explanation as to his wrist being bound up ?—He said he aided a woman falling off a 'bus.

Did he tell you on that day where he was at that time living ?—No, he did not, I do not think.

Did you know where he had come from that day ? —Eastbourne.

Did he tell you that ?—Yes.

Did he tell you in what sort of house he was living at Eastbourne ?—Staying at a bungalow, and rather a charming place.

Did he say who it belonged to ?—No—a friend, a pal.

Was anything said by the Prisoner to you as to your going to Eastbourne ?—I was asked if I would go.

Any arrangement made as to when you should go ?—11.15 on the 18th April, Good Friday.

Did you arrange to catch that train to go down ? —It was not definitely arranged but it was left that

Miss Duncan

I would get a wire saying actually what train I would take if I did not catch that train.

I understood you to say that it would say what train you would catch if you did not catch that one ?—I think that is right, I am not absolutely certain of the words.

Something to that effect ?—Something to that effect.

Before you left him upon that night did he go to the Grosvenor Hotel ?—Yes.

Did he tell you he was going to stay at that hotel because he had missed the train to Eastbourne ?—Yes.

Then did he take you to Waterloo ?—Yes.

And see you off in your train down to where you lived ?—Yes.

On the following day———

MR. JUSTICE AVORY : It may be material, with regard to the date of that letter, about the time.

SIR HENRY CURTIS BENNETT : What time was it that your train left Waterloo ?—I am not certain, it was between 10.20 and 10.40 ; the actual time I am not certain of.

Between 10.20 and 10.40 is sufficient for us. On the following day, Thursday, the 17th, did you receive a telegraphic money order ?—I did.

For £4 ?—I did.

Did you sign this pink form which shows it is a money order for £4 handed in at Eastbourne, Terminus Road, on the 17th April, and addressed to you ? (*Handed.*)—That is my signature.

Do you remember how the telegram read ? Did you destroy it ?—Yes.

Do remember how it read ?—" Catch train as arranged."

Miss Duncan

Do you remember how that was signed ?—" Waller."

Up to that time did you know that the man whom you had known as Pat was called Waller ?—I did not.

On the following day, the 18th, did you go to Eastbourne by the train arranged ?—I did.

Do you remember about what time that train would get down to Eastbourne ?—Somewhere about 1.30.

Did the Prisoner meet you there ?—Yes.

I need not trouble you as to what you did during the day. You lunched and you dined in Eastbourne ? —Yes.

About 10 o'clock did you and the Prisoner drive out to the bungalow ?—Yes.

During dinner that night, Friday night, before you drove out to the bungalow, did the Prisoner tell you anything that he was doing in the bungalow ? —Do you mean about the lock—going to put a lock upon a door in the morning ?

Did he say that ?—I am not certain ; but I believe it was the following day he said it.

If it was the following day, what was it he said ?— That there were some books in there.

Whilst you were at the bungalow on any day did you see him doing anything to the lock of the door ? —Yes, I did.

Which day was that ?—On Sunday.

That would be the 20th ?—Yes.

What did you see him do ?—I was not watching ; I only know he cut his finger trying to get a screw out of the hole.

Which room was the door that he was doing something to the lock of ?—I think the second bedroom on the right,

Miss Duncan

As you go into the front door you go into the sitting-room first, do you not ?—Yes, to the right.

There is a bedroom *there ?*—Yes.

As you go down the passage, was it that room ?—That room.

No. 2 bedroom as we call it. Whilst the Prisoner was doing something to the lock did you see into that room, just a glance ?—Yes.

Did you notice anything particular in the room ?—Yes, I did see the trunk ; I was not struck by anything ; I saw a trunk and a bed, but it did not interest me at all.

You did in fact see a trunk ?—Yes.

In trying to put on this new lock did the Prisoner hurt himself ?—Yes.

Mr. Justice Avory : She said so.

Sir Henry Curtis Bennett : Later on did he say anything more to you about that door ?—Oh yes.

What did he say ?—He said : " I have locked it up."

Did you sleep in the No. 1 bedroom ?—Yes.

Mr. Justice Avory : That is the one next to the sitting-room ?

Sir Henry Curtis Bennett : The one next to the sitting-room, is that right ?—That is right.

I do not think I need trouble you to identify them, but did you see some ladies' things in that room ?—I saw hair-brushes and shoes. I do not think I remember anything else.

Did the Prisoner say anything in relation to these things ?—Honestly, I do not remember. He probably said it at some time, but now I do not remember.

At any rate you saw some things there ?—Yes.

Miss Duncan

When the Prisoner met you do you remember what sort of coat he had on ?—A light overcoat.

Mr. Justice Avory : When ?

Sir Henry Curtis Bennett : On the Friday when he met you at Eastbourne ?—Yes.

A light coloured overcoat ?—Yes.

Was he wearing that same coat or a coat which looked like it on the Wednesday ?—Yes.

On Saturday, the 19th, did you go out from the bungalow ?—Yes, I did.

About what time did you leave ?—I think 11 a.m.

Was the Prisoner with you the whole of that day or not ?—No, I spent my time in Eastbourne.

Where did he leave you ?—At Eastbourne Station.

Did he tell you where he was going to ?—Plumpton Races.

When he left you was some arrangement made as to where he was to meet you again and what time ? —At Eastbourne Station at 6.30.

Did you so meet him ?—At 6.50, I think.

After you met him did you go to some shop ?—Yes.

Do you remember the name of it ?—I did not go in.

Did he go in ?—Yes, I think so.

You waited outside ?—No, I went to another shop.

What sort of a shop did you go to ?—A dairy.

You dined at the Sussex Hotel, did you not ?—No.

Did you not ?—Yes.

Some hotel ?—Yes, some hotel.

After dinner did you and the Prisoner return to the bungalow ?—Yes, we did.

Was there any maid of any sort at the bungalow whilst you were there ?—No.

Who did the house-work ?—I did.

Miss Duncan

Did the Prisoner make any remark to you as to the work that you did in the bungalow ?—I do not remember now. I think he said he wished—he did not want me to clean to the extent I did.

Did he say anything else about it ; why he did not want you to do so ?—Because his wife was coming down the following week, and he did not know what she would say, because—(*the witness broke down*)—I am sorry, she had been down the previous week.

Mr. Justice Avory : He said his wife had been down the previous week and would be coming down again, is that right ?—Yes, my Lord.

Sir Henry Curtis Bennett : On the Sunday morning did you pick up something outside the scullery door ?—I had previously been shown—at least, I had not been shown, but I saw a telegram in Mahon's hand.

You had previously ?—I had previously.

He had shown it to you ?—He did not show me but he stood and read it to me.

Read to you a telegram ?—Yes.

Do you remember the words of the telegram ?—I am not certain now.

Just look at Exhibit 49.

Mr. Justice Avory : What was the substance of it ?—I am not certain now. I think it was signed " Lees."

What did he say about it ?—The words were actually that we had to go back to Town to-morrow instead of Tuesday.

Sir Henry Curtis Bennett : Did you in fact go up to London upon the next day ?—Yes.

Miss Duncan

In the afternoon about half past three ?—Yes, somewhere about that time.

Did you travel up with the Prisoner ?—Yes.

You dined together in London and spent the evening together ?—Yes.

Did he see you off at Waterloo ?—We travelled down to Richmond together.

Do you remember about what time that was ?—I think it was about midnight when I got out at Richmond.

I think it right to put it to you : you saw nothing at all at the bungalow which aroused any suspicion in your mind ?—Nothing whatever.

As far as the dining-room was concerned, did you ever go into that ?—I think I took a chair in, but I am not certain of that.

But at any rate did you examine the grate or the contents of the grate ?—I did not.

Or in the front sitting-room ?—Yes. There was nothing in the front sitting-room because I lighted the fires, I think, one morning.

Did you go to the dust-bin in the yard while you were there ?—Yes, I did.

Do you remember which day that would be ?—I think I went on two days, I am not certain, but I know there was nothing in the dust-bin at all when I went there. I think I put some rubbish in.

The dust-bin was quite empty when you went there ?—Yes, I am almost certain it was quite empty.

Cross-examined by Mr. Cassels.

I do not want to distress you, I only want to ask you one or two questions. Tell me about the 10th

Miss Duncan

April, the night when you first met the Prisoner. Was it a rainy night ?—Oh, very wet; I was very wet.

You were wet through ?—I was pretty wet.

I think you had no umbrella ?—I had not.

Did you say you had walked a considerable distance? —I did.

From Kensington, or somewhere ?—Yes.

I think it was just as you were walking up at Richmond towards the bridge, was it, that you met the Prisoner ?—Yes.

Did he offer you a share of his umbrella ?—He offered to drive me home.

At any rate did you have the shelter of his umbrella ?—No.

Had he got one ?—No.

Did you tell him you were—— ?—I told him some untruths, I admit.

I am not going to put those matters to you, they are not material. I only want to ask you one thing. There was some question about a situation, was there ?—Yes, I was going to Wembley.

Did he say that he knew Lyons' pretty well and might be able to assist you in that respect ?—I have certainly no recollection of it.

Did he say that he had had a tragedy in his life ?— He said his married life was a tragedy.

I am wondering whether perhaps you have mistaken his observation, which I am putting to you now, that he had had a tragedy in his life, for what you have given it as being a tragedy in his married life ?—No; he said he was married. I said: "I am sorry, because I do not do things like this,"

Miss Duncan

and he said : " Well, it is a tragedy, we will both go our own way."

Now one question about Wednesday, the 16th. Did you notice at all during that evening, that would be the evening that you dined with him at the Victoria Station Restaurant and when the arrangements were made for you to go to the bungalow on Good Friday, that he looked tired out ?—Well, it is not fair to ask me, because I only met him in the dark, and how could I judge ?

I only wanted to know whether you had noticed ? —I cannot tell, I do not know.

MR. JUSTICE AVORY : Do you remember the sitting-room ?—Yes.

Do you remember the furniture in the sitting-room very well ?—I am afraid I do not remember particularly well. I can remember certain things, but not all the details, I am afraid.

You say you lighted the fire in the morning in the sitting-room ?—Yes, I did.

Do you remember whether there was any, and, if so, what sort of coal scuttle in that room ?—There were two there.

In the sitting-room ?—Yes.

Whereabouts were they ?—On the left-hand side of the fireplace.

Both of them ?—Yes.

Do you remember what sort they were ?—One was a coal cauldron and the other, I think, a tin coal scuttle.

You think they were both there ?—I am certain they were both there.

Just look at the coal cauldron and the coal scuttle. Do you recognise that ?—It is similar to the one ;

Buckland

I do not remember. I think they were both damaged, but I have not a great deal of recollection because I had no reason to move them.

It was something like *that ?*—Yes.

And was the other something like *that ?*—Yes, I imagine it was similar to that. I really could not swear that that was it.

Do you feel confident there were two ?—Yes, I am confident there were two, but I thought the other one was a lighter looking thing than that. I am probably mistaken. I was not particularly interested in the things around.

Only one other question ; as far as you recollect was the round cauldron standing up all right ?—As far as I recollect, yes.

You did not notice anything peculiar about it ?—They struck me both as being rather old things ; that they were not much use. I had an impression that one was damaged, but I am not certain which one.

I understand from your answer that you saw nothing suspicious. That means that you saw no signs of blood about the place ?—None whatever.

In lighting that fire in the sitting-room did you see any appearance of blood anywhere near this coal scuttle or coal cauldron ?—No, I did not.

Edward Charles Buckland, a garage attendant, employed by Mr. Bambridge, said that about 10 a.m. on Saturday, April 19, he drove Mahon and a tall well-built dark woman from the bungalow to Eastbourne Station. Afterwards he drove Mahon alone to Plumpton Races. On the way Prisoner stopped at Lewes Post Office to send off a telegram.

When the last race was over he took Mahon back to Eastbourne Station.

Police Sergeant Albert Sheppard, East Sussex Constabulary, said that on May 3 he was one of the officers engaged in the search of the bungalow, and, among other places, searched in the ashes in the grate of the front sitting-room where he found a quantity of charred bones.

On 9th May he went to the Red Dyke Brickfields, Westham, and found some charred bones. He could not say whether they were human bones or not. He placed the fragments in two boxes and handed them to Sergeant Sprackling.

Frederick Parkes, a refuse collector, said that he collected the refuse from the bungalow for the last time on April 24. There was a bin and a bucket full of ashes in the bungalow yard which he emptied into his cart, then already half full of rubbish. He later pointed out to the police the spot at which he emptied the cart.

John Arnold Classens, of Pagoda Avenue, Richmond, said that Prisoner and his wife had occupied one furnished room at his house since January 26. Prisoner did not sleep at that house from April 12 to April 21. He slept there on the 21st.

Lewis Schaverein, a financier, said that Miss Kaye had been employed by him as a shorthand typist and book-keeper from January 14 to February 15, 1924. Her last employers had been Messrs. Robertson, Hill & Co., from whom she had a reference. She was discharged because his secretary, who had been away ill, unexpectedly came back.

Butler, Goodson, Cookman

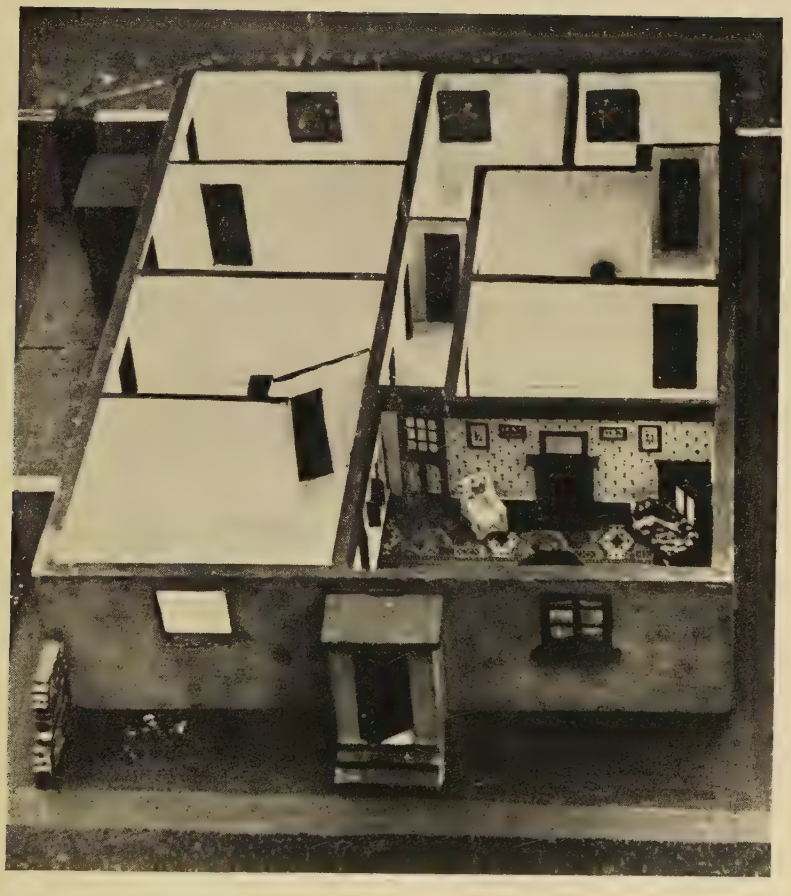
Miss Doris Evelyn Butler, reception clerk at the Great Western Hotel, Reading, said that a man stayed at the hotel on the night of April 27, signing as "J. Rees, Burton Road, Swindon." He arrived about 11 p.m. and left at 8 a.m. next day.

Miss Laura Goodson, sorting clerk and telegraphist at Terminus Road Post Office, Eastbourne, produced certain original telegrams.

She remembered a man coming to the Post Office on 17th April for a telegraphic money order for £4. The money was to go to "Miss Duncan," and it was signed by "J. Waller, Officer's House, Pevensey Bay." There was also a message: "Will meet train as arranged, Waller."

She also produced certain other original telegrams addressed to "Waller, Officer's House, Pevensey Bay, Eastbourne," and to "Mahon, 2, Pagoda Avenue, Richmond." One telegram addressed to "Waller" was handed in at Plumpton on April 19 and read: "Must see you Tuesday morning nine Cheapside—Lees."

Bertram George Cookman, security clerk at the Midland Bank, Coleman Street, London, gave particulars of an account held by Miss Kaye. On December 11, 1923, there was a payment in of £114 16s. On February 11, 1924, there was a payment in of £186 19s. On February 16, 1924, there was on the credit side an entry of £180 "per loan account" in respect of an advance made by the bank on the customer's deposit of certain securities. On the same day £404 was withdrawn by a cheque presented over the counter. Four notes of £100 each were included in that payment.



Topical Press.

INTERIOR OF THE BUNGALOW. MODEL WITH ROOF REMOVED

Curtis, Bickerton, Rouse, Flowers, Fryer

Charles Nevill Curtis, of the Bank of England, gave evidence of the cashing of three £100 notes. One was signed in the name of Lowe, with an address at Sheffield; another J. D. Peters, with an address at Birmingham; and the third J. Edge, St. Elmo, Staines.

Sydney Bickerton, a member of the London Stock Exchange, and a director of Messrs. O'Connor & Taylor, stockbrokers, said that Miss Kaye had been a client of theirs. On her instructions they sold certain shares for her on February 2, 1924. These realised £186 19s. 8d. and she was paid a cheque for that amount on February 8. Other shares were sold on April 2 and a cheque for £219 15s. 10d. was given to her on April 7. At her request the words "pay cash" were written on the cheque.

Mr. Charles Wallace Rouse, cashier of the National Bank, Ltd., Old Broad Street, London, said that on 7th April last a representative of O'Connor & Taylor called at the bank with a lady and the cheque, Exhibit 32, was presented to him for £219. He produced an extract from the cashier's paid book showing the numbers of the notes paid over in exchange for cheque.

Percy George Flowers, foreign exchange cashier, of the Credit Lyonnais, Lombard Street, said that on April 7 he sold 7,400 francs to a woman in the form of a cheque payable in Paris. The cheque was drawn to Mlle. E. B. Kaye.

Dudley Barrington Fryer, ledger keeper at the Richmond branch of Barclay's Bank, said Mahon had an account which was opened in May, 1923,

Detective Inspector Hall

the last transaction being on May 9, 1924. There was a credit balance of £40 in favour of Mahon.

Detective Inspector Thomas Hall, Metropolitan Police, said :

The statements, Exhibits 75, 78 and 79, were written out in my handwriting.

On the 8th May last he went to St. Bartholomew's Hospital in a special car and took with him the trunk (Exhibit 8), also a leather hat-box (Exhibit 77), a fish kettle containing portions of boiled flesh, a box containing bones found in the dining-room grate, a box containing bones found in the front sitting-room fireplace, a two-gallon saucepan containing some fatty fluid, a box containing ashes from the dining-room fireplace, and two tins containing ashes from the sitting-room fireplace, all of which he handed to Sir Bernard Spilsbury sealed up.

On the 10th May he personally handed to Mr. Webster at St. Mary's Hospital the coal cauldron (Exhibit 15), two pieces of floor board (Exhibit 85), piece of felt (Exhibit 86), piece of carpet (Exhibit 87), piece of the door (Exhibit 88), the axe and handle (Exhibits 20 and 21), and the saw (Exhibit 59).

On the 13th May he also handed to Mr. Webster the cook's knife (Exhibit 58), and the bundle of clothing of Miss Kaye found in the Gladstone bag (Exhibit 22).

During the course of his enquiries he had seen the Prisoner write and was acquainted with his handwriting. In his opinion the Grosvenor Hotel registration form, Exhibit 23, Exhibit 35 ; Exhibit 44, telegram of 12th April sent to Miss Kaye ; Exhibit

Mr. John Webster

46, telegram of 15th April to Miss Duncan ; Exhibit 47, application form for money order for £4 ; Exhibit 49, telegram sent from Plumpton ; Exhibit 50, dated 12th April ; Exhibit 51, dated 15th April ; Exhibit 52, dated 16th April, telegrams sent to "Mahon 2 Pagoda Avenue Richmond" ; Exhibit 53, telegram dated 17th April to Mahon, Consols, Sunbury ; Exhibit 54, telegram of 19th April, were all in the handwriting of the Prisoner. Also the writing on the three £100 Bank of England notes, Exhibits 67, 68 and 69 ; and Exhibit 89, the hotel register at Southampton of 27th March ; and Exhibit 90, the Clifton Hotel register.

Mr. John Webster, Fellow of the Institute of Chemistry, Senior Official Analyst to the Home Office and Pathological Chemist to St. Mary's Hospital, Paddington, said :

On the 10th and 13th May he received a number of Exhibits from Detective Inspector Hall which he examined for the purpose of seeing whether or not they bore upon them human blood.

He examined a small stain just below the rim of the coal cauldron (Exhibit 15), about the size of a large pin's head, which had the appearance of a blood stain. He tested it to see whether or not he could get any reaction for human blood, with the result that it gave very faint reaction indeed. He was unable to say definitely that it was human blood, but it was blood.

On the piece of the door, Exhibit 88, there were various areas on the side and also on the bottom which gave reactions for blood, but the amount he was able to get was not sufficient to enable

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him to say whether it was human blood or not.

Upon the two pieces of floor board, Exhibit 85, apparent to the naked eye, there was a large stain, and upon examination he was able to get definite reaction for human blood. There was no doubt in that case at all that it was human blood.

Mr. Justice Avory: Having regard to the appearance of the stain are you able to say whether there had been a quantity of blood there or a splash only, or what?—A considerable area of blood; I cannot say how much there would be originally.

Is it a soft wood?—A fairly soft wood, yes.

Above the board there was felt, Exhibit 86. Upon that there was a large red stained area which he tested and found to consist of human blood.

He also examined the piece of carpet, Exhibit 87. On the under side he found a large stained area which gave definite reaction for human blood upon testing it.

On the side of the axe-head, Exhibit 20, marked with the name of the Company, there was a red stained area which gave reaction suggestive of blood, but the amount was too small for definite confirmation.

Mr. Justice Avory: It simply shows a stain of blood?—It gave reaction suggestive of blood. I was unable to confirm it as blood. It was too small.

Is there any appearance on it now?—No, I do not think there is any left. I had to take a smear from it and I think it has all been removed.

He found upon the cook's knife a few spots having the appearance of blood, and again in that case

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his test gave results which were suggestive of blood but the amount was too small for him to be sure.

Upon the saw, Exhibit 59, there were areas near the handle which gave reactions for blood, but the amounts were too small to be able to say whether it was human blood or animal blood.

He had examined the contents of Exhibit 74, the bundle of rags and clothing, which were found in the Gladstone bag, and was able to say that they were covered practically with human blood.

Cross-examined by Mr. Cassels.

As to the position of knowledge with regard to tests for blood, you can ascertain whether the article you are testing has a stain which is blood or not upon it, and you can go a step further sometimes and ascertain whether it is human blood or not.

It is not possible to go a step further, if you have ascertained it is human blood, and say whether it is blood during life or after death.

The Exhibits demonstrate the area of the blood.

The upper portion of the carpet had the appearance of having been washed.

The hole in the carpet he had cut for the purpose of his test.

On the underneath part there were signs of something having soaked through the carpet and you got a more definite outline of the stain upon the felt which would be immediately beneath.

He thought it was the underside of the felt where the more apparent stain was.

It could be gathered from that that the blood would sink through the carpet, would soak through

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the felt, and would be arrested in its soaking process by the floor board which would remain moist, and thus produce upon the under-side of the felt the more prominent stain. The washing of the carpet would assist in the soaking of the blood through the carpet and felt and on to the board.

MR. JUSTICE AVORY: The addition of the moisture? —Yes.

The area of the stain on the floor board was almost exactly the same in shape and size as the stain upon the felt.

There was no suggestion that it had gone into the board because from the thin veneer cut off for the test you could see that you come at once to the colour of the natural wood beneath the stain.

Looking at the area of blood he would not suggest there was any large quantity of blood present on the board now or on the felt.

MR. JUSTICE AVORY: Are you able to say from any of your tests whether this blood-stained area is of recent origin? Are you able to put a limit of time?—No, I am not prepared to give a time. All I can say is that it was fairly recent.

When did you make your examination?—The day I received them, the 10th and 13th May were the two dates.

MR. CASSELS: My Lord, before my friend, Sir Henry, calls Sir Bernard Spilsbury, would your Lordship allow Miss Duncan to be re-called upon a matter I was not in a position to put to her when she was in the witness-box, and upon which I have received instructions.

Miss Duncan

MR. JUSTICE AVORY: Is she here available? If not you can postpone it. Is it necessary before Sir Bernard Spilsbury is examined?

MR. CASSELS: Miss Duncan is here.

ETHEL PRIMROSE DUNCAN *re-called. Further cross-examined by Mr. Cassels.*

I do not want to distress you. Would you tell me, on the night of Good Friday you were at the bungalow, were you not?—Yes.

Do you remember seeing any bruises or any signs of bruising upon the Prisoner?—I do not think it was on the Friday night. It was sometime later, I believe on Sunday morning.

You think it was on Sunday morning?—I am not certain.

Then would you tell me what it was you saw?—I saw bruises on one shoulder, but I am not certain which shoulder.

What sort of mark or marks were they?—I think there were four.

All together?—All together, fairly close, yes.

MR. JUSTICE AVORY: How do you mean "All together." If they were all together they would be one.

MR. CASSELS: More or less in the same place, or separated by such distances as not to be properly described as one.

MR. JUSTICE AVORY: What do you say?—They were quite close together.

Do you say they were four distinct marks?—I am almost certain. I would swear to it that there were bruises, but I am not sure on which arm they were.

Miss Duncan

Which was it, the arm or the shoulder ?—It was somewhere *here.*

On the back ?—On the thick part, the top of the arm.

You think it was on the Sunday you saw it ?—I think so. I did not comment upon them.

Just point again to where they were ?—I am not certain on which shoulder they were.

Never mind !—I think they were on the thick part, I do not know what you call it, somewhere *here.*

Where your fingers are ?—Just about *there.* I may be wrong, but I think that is where it was.

Further re-examined by Sir Henry Curtis Bennett.

That was, as far as you can recollect, on the Sunday morning, was it ?—I am not certain which morning it was, but I think it was on the Sunday morning.

Did you notice it on one occasion ?—On one occasion, yes, that was the only opportunity I had of seeing it.

As I understand you are not quite certain which wrist it was which was bound up upon Wednesday, the 16th ?—Oh, yes, it was the right wrist.

You are quite sure of that now ?—Perfectly certain of that now. I have recollected certain things which happened, and I realise it was the right wrist.

Mr. Justice Avory : Is to-day the first time you have ever been asked a question about bruises on the shoulder ?—Yes, my Lord.

By anybody ?—Yes. After I made a statement it came back to me, and I gave it then later.

Sir Bernard Spilsbury

Do you mean after you gave your evidence before the Magistrates ?—No.

Before you gave your evidence ?—Before I gave my evidence I told it, and after I had made my statement it came back to me, and I realised it was wrong. I told, I do not know who, but I told someone.

MR. CASSELS : Would your Lordship ask whether the witness has made this statement before to-day to anybody ?

MR. JUSTICE AVORY : I understand her to say so. She says : " I volunteered it to somebody."

MR. CASSELS : Did your Lordship ask to whom ?

MR. JUSTICE AVORY : She says she does not remember.

THE WITNESS : I made my statement to—I believe it was—Inspector Hall.

MR. JUSTICE AVORY : Very well, it was to one of the Police Officers.

SIR BERNARD HENRY SPILSBURY, *examined by Sir Henry Curtis Bennett.*

Your names are Bernard Henry Spilsbury ?—Yes.

You are lecturer on special pathology at St. Bartholomew's Hospital, London, and you are now Honorary Pathologist to the Home Office ?—Yes.

On the 4th May last did you visit the Officer's House at Langney Bungalows in company with Chief Inspector Savage and other Officers ?—I did.

Did you make an examination of all the rooms there ?—Yes.

Perhaps you would tell us in your own language what you found ?—In the bedroom marked No. 3

Sir Bernard Spilsbury

on the plan I saw a saw described as a tenon saw; it was rusty and greasy and had a piece of flesh adhering to it. I also saw a number of articles of female clothing and a tea-cloth, which were blood-stained, and most of them were greasy and had some soot or coal dust upon them.

I think they were collected? — Yes, they were.

In the dining-room did you see the cauldron coal scuttle?—I did.

Did you notice anything upon that scuttle?—There were two tiny spots which I thought were blood, and I noticed that one leg of the coal scuttle was badly bent.

Was there a saucer upon the floor?—There was.

Was that close to the fireplace?—Close to the fireplace. That contained solid fat.

Was there also a large two-gallon saucepan?—There was.

What was the condition of the inside of that?—It was about half full of a reddish fluid with a thick layer of grease at the top, and at the bottom of that I found a piece of boiled flesh with some skin adhering to it.

In connection with that saucepan, whereabouts was the coal cauldron?—It was on the right side of the fireplace.

The saucepan in the fireplace?—The saucepan in the fireplace.

Was the fender splashed at all?—Yes, splashed with grease.

I think in the fireplace there were ashes, were there not?—Yes.

Sir Bernard Spilsbury

Perhaps you will deal with that later on ?—Yes, I will. There were no other blood-stains to be seen in that room.

The dining-room ?—No.

Was the scullery the next ?—Yes. I saw a dust-pan which contained ashes, which I afterwards examined.

You will perhaps deal with all the bones later on ? —Yes.

Was there anything else you found ?—Yes, there was a saucepan with a deposit of grease in the bottom ; a galvanized iron bath containing a little greasy fluid, and an enamelled bowl smeared with grease on the inside.

Inspector Savage has told us he had the hat-box and trunk removed on the 3rd May to the scullery. —I found them there, yes.

Did you examine first of all the hat-box ?—I did.

What did you find in that ?—I found articles of clothing together with a large number of pieces of flesh, 37 in all.

Mr. Justice Avory : Thirty-seven separate pieces? —Thirty-seven separate pieces. One piece had been cut from the back of the right shoulder and included the shoulder blade, and part of the collar bone, and part of the bone of the upper arm. Both of these bones had been sawn across. The second piece consisted of skin, fat and muscle from the region of the naval.

Sir Henry Curtis Bennett : And the other 35 ? —The other 35 consisted of skin, most of them having fat upon them, and many of them also muscle.

Upon five of the pieces of flesh what did you find ?—

Sir Bernard Spilsbury

On five pieces I found hair resembling that from the private part—pubic hair.

Fair or dark ?—It was fair.

Did all the pieces of flesh that you found in the hat-box appear to have been boiled ; were they in fact boiled ?—All had been probably boiled. May I add that of course they were all human.

In the trunk, Exhibit 8, what did you find ?—I found four large pieces of a human body, one of the left half of the lower part of the body resembling the pelvis, with muscle and skin attached to it, and the upper part of the thigh bone, including also the lower part of the spine.

Had the spine been sawn across ?—Yes, all the bones practically had been sawn across.

Is there anything more you want to tell us about that ?—Only a small fragment of the wall of the vagina, the female congenital passage, was attached to it.

Now the second piece.—The second piece formed the lower part of the right half of the trunk, and having a portion of the thigh bone attached to it. The third piece consisted of the right half of the chest together with the spinal column from the level of the sixth vertical bone from the neck to a point at which the pelvis had been sawn off. The breast bone was attached to this piece, and portions of most of the left ribs.

Was the right breast present on that piece ?—Yes, it was.

Is there anything you want to tell us about that ? —When I pressed it milky fluid escaped from the nipple.

Sir Bernard Spilsbury

MR. JUSTICE AVORY : You had better say at once what that indicates ?—May I deal with the other piece first, my Lord ?

MR. JUSTICE AVORY : Yes.—The fourth piece formed the left side of the chest and on the back of this piece I found an area two inches long over the shoulder-blade which had a recent bruise. The left breast was attached to this fragment also, and had a similar appearance.

Where was the bruise ?—On the back of the left shoulder-blade.

The left breast presented the same appearance ?—The same appearance as the right one.

SIR HENRY CURTIS BENNETT : Did these four pieces fit together accurately ?—Yes.

And fitted together would form practically the whole of the trunk of a woman ?—Almost the whole.

With portions of the three limbs attached which you have spoken of ?—Yes.

Had they been boiled or not ?—No, they had not.

Did you make a further examination of the breasts ?—Yes, I did. Both by cutting into them and by microscopical examination afterwards.

As a result of such examination are you able to express an opinion as to the condition of the woman before she died ?—Yes, I am ; from the condition of the breasts I am of opinion that at the time of her death she was pregnant, and in the early stage of pregnancy.

Did you make a further examination of the bruise which you have spoken of on the left shoulder ?—Yes, I did.

Sir Bernard Spilsbury

What are you able to say as a result of your further examination of that ?—It confirmed my opinion that it was a bruise, and also that it was a very recent bruise.

Are you able to say at all, from your examination of that bruise, whether it was inflicted shortly before death ?—Yes, it was certainly inflicted before death ; it might have been only a few minutes before death if it was a very serious blow which had been struck, or it might have been inflicted a few hours before death if it had been of a less serious character.

If it was a serious blow or fatal, quite shortly before death ?—Yes.

In the same trunk was there a large biscuit tin with a lid upon it ?—Yes. May I deal with something else first ?

Please do.—There were portions of certain organs attached to the trunk. A portion of the right lung adhering to the right half of the chest wall, and portions of some of the organs of the abdomen were still attaching, and pieces of liver, a small piece of the spleen, and one kidney, not otherwise accounted for when I examined the contents.

There were certain organs attached to those four pieces ?—Portions, and there was also rather fine hair about eight to nine inches long adhering to one of those pieces.

That I think you kept and it was exhibited ?—Yes.

From your microscopical and other examinations of the breast you express the opinion that this woman was in fact pregnant at the time of her death ?—Yes.

Have you been able to find at all anywhere the uterus ?—No.

Sir Bernard Spilsbury

MR. JUSTICE AVORY : You mean no portion of it ? —Only the lower end, which I found in the contents of the tin box to which I am about to refer. The bulk of the uterus was entirely absent.

SIR HENRY CURTIS BENNETT : Give us the contents of the tin box ?—In a large square biscuit tin I found human organs of the chest and of the abdomen in nine separate pieces. Shall I detail the pieces separately ? One piece was a portion of large intestine eight inches long.

The second ?—The second a piece of small bowel together with the lower end or the neck of the womb or uterus.

Had that been clean cut across—the neck of the uterus ?—Yes.

MR. JUSTICE AVORY : The uterus had been separated from its neck by a clean cut ?—Through the neck itself.

SIR HENRY CURTIS BENNETT : In the one ovary which you found did you notice anything ?—Yes. When I cut into the ovary I found a large yellow body which is characteristic of a condition of pregnancy. This is also confirmed by microscopical examination.

I do not know that you need give us in detail the other pieces unless there is anything you want particularly to refer to ?—I do not think there is. The stomach contained a little partly digested food and similar food was present among the smaller intestines. To summarise : The contents of the tin box consisted of the organs of the chest and abdomen with the exception of those fragments which I found attached to the wall of the chest and with the

Sir Bernard Spilsbury

exception of the bulk of the uterus and one ovary which was missing.

Which you told us was cut clean across the neck ?—Yes. Possibly portions of other parts, portions of the right lung and the stomach and intestines are not accounted for, it is impossible to say.

On examination of all those organs which you found in the tin box was there any condition of disease about any of them ?—No active disease at all. There were evidences of a previous attack of pleurisy on the right side of the chest from the adhesions which were present.

Would that or not have anything to do with the cause of death ?—Nothing at all.

Did you also examine the fragments of burnt bone which had been recovered from the sitting-room and dining-room grates ?—I did.

And from the ashes in the dust-pan in the scullery ?—Yes.

Did you yourself search through those ashes ?—Yes, I did.

Did you altogether find between 900 and 1,000 fragments of bone ?—I did.

Mr. Justice Avory : Which you are able to say were human bones ?—No, not all human—fragments of bone, in the first place. I can only say none of the fragments were dissimilar from human bones.

They may have been ?—Yes, all of them.

Sir Henry Curtis Bennett : And of the larger fragments, have you been able to fit some of them accurately together ?—Yes, I have.

Having fitted them together, do you identify them as human bones ?—Yes.

Sir Bernard Spilsbury

For instance, have you been able to fit together five fragments of the right thigh bone ?—Yes, I have.

Three of those fragments came from the dining-room grate ?—I was wrong ; the number should be reversed ; two from the dining-room grate and three from the dust-pan.

Have you also been able to fit together four fragments of the right shin bone ?—Yes.

Could the flesh which you saw have been cut off with the knife, Exhibit 58, the cook's knife ?—Yes.

And the bones, could they have been sawn through by the saw which has been produced ?—Yes, they could.

I should like you to give us what your opinion is as a result of your examination altogether of the flesh and bones and organs which you examined. —May I, before I do so, add one other small matter, that as a result of the examination of the fragments of bone I am now satisfied that the skull and the bones of the upper part of the neck were not present in those fragments, nor have I identified any fragments of bone from the left lower limb beyond the point at which it had been severed from the trunk.

You are quite positive there is no sign of any skull bone ?—Yes.

Or neck bone ?—Or neck bone.

Can you tell us what your opinion is after your examination ?

Mr. Justice Avory : As to what ?

Sir Henry Curtis Bennett : As to first of all was this a body of a woman, what size woman, and so on.—All the material which I have examined,

Sir Bernard Spilsbury

portions of the trunk, the organs, pieces of boiled flesh, and those fragments of bone which I have been able to identify are all of them human, and correspond with parts of a single body—no duplicates at all. The four pieces of chest and abdominal wall fit accurately to form one trunk, and the organs in the tin box, together with the fragments of organs attached to the four pieces of trunk, form a complete set of human organs, with the exception of certain missing portions, of which the uterus and one ovary are the most important. The body was that of an adult female of big build and fair hair. She was pregnant, in my opinion, at the time of her death, and at an early period, probably between one and three months. There was no indication of any previous pregnancy or of pregnancy which had run its full term. The organs were those of a healthy person, and the adhesions round the right lung were the only indication of previous disease. No disease was found to account for natural death and no condition which would account for unnatural death.

Mr. Justice Avory : I do not follow what that means ?

Sir Henry Curtis Bennett : Just explain that.—In the parts of the body which I examined the only injury which I found was the bruise at the back of the left shoulder. The head and neck being missing there was no evidence of the cause of death being some unnatural cause.

Mr. Justice Avory : In other words, you found no evidence of violence except the bruise on the back ?—Except the bruise. In the remains which I examined no portion of the head or of the upper

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part of the neck could be identified, and no portion of the left lower limb. The body was cut up with a sharp cutting instrument and the bones were all sawn across, with the exception of some of the left ribs. There was no indication that any of these cuts were cuts made during life.

SIR HENRY CURTIS BENNETT: You have seen the coal cauldron, Exhibit 15, which has been produced ?—Yes.

You have heard, have you not, the statements of the Prisoner which have been read ?—Yes.

In your opinion could Miss Kaye have received rapidly fatal injuries from falling upon that coal cauldron ?—No, in my opinion she could not.

MR. JUSTICE AVORY: Just put it in another way. Do I understand in your opinion a fall upon that coal cauldron would not cause her rapid death ?—That is so.

That is what you mean ?—That is what I mean.

SIR HENRY CURTIS BENNETT: In view of another part of the statement made by the Prisoner, were you able, owing to the condition of putrification in the organs and discolouration resulting from the putrification, to say whether there were signs of suffocation present at the time of death ?—No, I was unable to do so.

You cannot say one way or the other ?—No.

You say there is an absence of any cause for death in all the parts which you have examined ?—Yes.

What does that indicate to you ?—That the cause of death———

Sir Bernard Spilsbury

MR. JUSTICE AVORY: One moment. That is rather a question for the Jury. I think that is an inference to be drawn from the facts.

SIR HENRY CURTIS BENNETT: I take it then from you that there was no cause of death in anything that you examined ?—That is so.

Cross-examined by Mr. Cassels.

You told us that you found a clean cut of one of the organs, the uterus ?—Yes.

I suppose you found other cuts which were clean of the internal organs ; so far as there were any cuts at all they were all clean cuts ?—All except possibly one, they were nearly all clean cuts.

The dismemberment was all done in an unskilful way ?—Yes, in the sense of not showing any medical or anatomical knowledge.

What are the organs which were in fact missing ? You told us of the uterus, was there a kidney missing ? —No, I think I found the whole of both kidneys, and most of the organs, but I could not speak with certainty as to a portion of the intestines, and portions of the stomach even were missing, and I failed to find one small gland.

It would be a difficult thing to examine into such great detail as that in view of the condition of the body as you found it ?—Yes.

I now want to ask you about the question of rapid death. Wounds of the brain, I suppose, sometimes prove instantaneously mortal, do they not ?—Yes, where there is considerable disorganization of the brain by injury.

You mean a severe injury to the brain ?—Yes.

Sir Bernard Spilsbury

Any injury to the brain which could properly be described as a wound of the organ itself would cause rapid death, would it not ?—It would depend upon what part of the brain was damaged. Some parts of the brain would almost certainly result in instant death, very rapid death. With other parts it would be quite compatible with a complete recovery afterwards.

On the other hand, it might be that even a slight injury will cause a rapid death ?—Yes, some parts of the brain, certainly.

Then compression of the spinal cord ; is that a cause of rapid death ?—Yes, it is.

And if the seat of the compression should be between or above the fourth cervical vertebræ, what would you say then ?—Then it might be, and probably would be, very rapid, it might be instant death.

Those are the names of the bones above the prominent vertebræ at the back ?—Yes.

They are really the neck bones ?—Yes.

And the top end of the spinal cord ?—Yes.

Then there is fracture of the bones of the skull. Does that produce rapid death ?—Very occasionally ; it is usually not rapidly fatal, but certainly fatal in many cases.

When you say " not rapidly fatal," do you mean not fatal within an hour ?—Yes, usually not within 24 or 48 hours.

Is that the type of death which you sometimes meet in cases where shall we say, in the street there has been a fight between two men and then one has fallen as the result of a blow, and death has followed ; you then discover a fracture of the base of the skull ?

Sir Bernard Spilsbury

—You do not then discover a fracture of the base of the skull; under those conditions you might have fracture of the skull which results in unconsciousness. The fracture of the base is caused more often by a person who, when he has his head on a hard substance, has a heavy weight fall on him. That is generally a base of the skull fracture.

Somebody falling, and then some heavy weight on the top of the person falling?—Yes.

Do you say that is rapidly fatal or not?—No, not necessarily, but it does give a fracture of the base of the skull to which you refer.

It may, I suppose, be rapid?—Yes; not very often rapid unless there has been such a fracture of the skull as to give rise to tearing of the brain.

That causes a compression upon the brain itself?—Yes, vacillation and tearing of the brain as well.

I dare say you have had cases where it has been established from medical evidence that the deceased was particularly liable to death in that way if suffering from any violence and then getting a fracture of that part of the skull?—I am afraid I do not quite follow you.

If I may put it in other words, what is status lymphaticus?—That is a condition in which there is a liability to instant death owing to certain changes in the organs. There may be no violence at all, or it might be very slight violence.

Mr. Justice Avory: Are you able to say whether there was any condition of status lymphaticus in this case?—No, there was not.

Mr. Cassels: That can be cleared away altogether, so far as this body is concerned?—Yes, it certainly can.

Sir Bernard Spilsbury

Would you say that no fall could produce a fracture of the vertebræ so as to cause compression of the spinal column ?—No, I would not say no fall. Are you assuming any disease ?

I am taking a perfectly healthy body, a strong body, and a body, the possessor of which, would properly be described as athletic, and as you have seen it described, big in build. You would not, of course, go so far as to say no fall could produce a fracture of the spinal column ?—No, I would not ; it is possible.

Neither are you able from your examination of the organs in this case to say that Miss Kaye did not die from strangulation ?—No.

Because of the condition in which the organs were when you examined them ?—Yes.

Am I right in saying that a human being dies very rapidly from strangulation ?—Yes, if it is complete.

That means they die, that the strangulation has been effective ; but I want you to tell me this : Your experience shows you, does it not, that a human being can be strangled quickly by manipulation ?—Yes.

There is one other thing which perhaps you would agree with. Have you found any signs of blood about the sitting-room of the bungalow or about any of the Exhibits, or about the body which would lead you to suppose there was anything in the nature of a cutting of a throat in this case ?—During life ?

Yes ?—No.

Would you be prepared to go so far as to say at any rate Miss Kaye did not die as the result of having her throat cut ?—No, I do not think she did.

Sir Bernard Spilsbury

Nor by stabbing ?—I am not prepared to say that.

Not by stabbing in any part of the body which you examined ?—Certainly not; I am quite satisfied of that.

Mr. Justice Avory : That simply means that you found no evidence of a stab wound ?—That is so.

Mr. Cassels : The main parts of the body missing are the head, the neck and a portion of the lower limbs, and, I think, her hand ?—The left leg.

And a hand ?—No ; I think I had evidence of the presence of both hands in the bony remains.

But not in the actual flesh ?—Oh, no.

The limbs had gone ?—Yes.

It is said that Miss Kaye was a woman of big build ?—Yes.

The blood that you have seen on the carpet and the felt, and perhaps you saw it on the under-board —you saw it when you examined the bungalow on the 3rd May ?—No, I did not see it then.

When ?—I only saw it after it had been produced as an exhibit in Court.

Would you say that that would indicate not a large amount of bleeding ?—It may not have done.

Would you have expected———?—May I qualify that by saying such an amount of bleeding as you might reasonably expect a person to die from.

Not such an amount ?—No.

Not such an amount of bleeding as you would expect to have been from someone who had bled to death ?—No, it may not have been.

Then perhaps we can eliminate that. Assuming—I agree you would have to assume this—that Miss Kaye died in that sitting-room at or near the spot where those blood-stains were found——— ?—Yes.

Sir Bernard Spilsbury

Perhaps we can carry that a step further. You will probably agree there was no arterial bleeding of the body before death ?—No, I cannot go so far as that quite. I might say that I think there was no indication of any arterial bleeding from clean cuts—not if the wounds were of the nature of tears or crushes. If it was a clean cut and blood spurted I should expect in all probability splashes to be on the ground.

You examined the bungalow for that purpose ?—Yes.

You are satisfied from what you saw that in life there was no spurting of blood ?—There was no evidence of it at all.

The presence of that stain upon the floor would be consistent, would it not, with having received a punctured wound in some part of the body, possibly received as the result of a fall ?—Yes, but I should prefer to use the word " lacerated " and not " punctured."

A tearing wound ?—Yes.

From some blunt object ?—Yes.

Now I want you to consider the circumstances I am going to put to you : Supposing there was a struggle in that sitting-room, suppose that in the course of that struggle between two persons a chair was overturned in the falling of both persons to the floor, one on top of the other, and suppose that the under person were to strike the head on a large lump of coal in the coal cauldron, and suppose at the time of the fall the throat of each was held by the other, would you expect that there might be a wound on the head which would cause bleeding, and that

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injuries might be received which would cause the rapid death of the under person ?—No, I should not.

Why not ?—Because no fall on to the coal cauldron such as you have described would be capable of inflicting such injuries to the head as to cause rapidly fatal results. If that particular cauldron, filled with coal, were the one referred to, a sufficiently severe blow to produce such injury would have crumpled up the cauldron.

Have you considered the possibility of the pressure coming from the fall so that the head comes in contact with the coal in the cauldron, but also the pressure which comes from the possible holding of the neck by the person who is on top ?

Mr. Justice Avory : And you said (I do not know whether you meant it) the holding of the neck by the woman underneath ?

Mr. Cassels : Yes, my Lord.

Mr. Justice Avory : Holding the man's neck ?

Mr. Cassels : Yes.

Mr. Justice Avory : That would diminish the fall.

Mr. Cassels : It would depend ?—If both bodies were falling with a clutch, I do not think it would make any difference. I do not think that gripping the under person's throat would increase the danger of falling against the cauldron in any way.

I am not suggesting that. What I am suggesting is this, you have to take into consideration the fall, the chair, the cauldron, supplying more or less a leverage, with the pressure of the body and a hand upon the neck ; would not that have the effect of possibly fracturing one of the neck bones to which

Sir Bernard Spilsbury

I was referring a few moments ago ?—No, I do not think it is possible in a fall such as you describe, for the neck to be broken.

When you say " neck to be broken," I do not want that to be taken in its popular sense. When you say " neck broken " you would describe as a broken neck any compression of the spinal marrow, would not you ?—No, not necessarily.

Tell me whether it would mean that ?—No ; you could have a fracture of the bones of the neck without any damage to the spinal marrow, without any pressure on it. If sudden death follows you must have damage to the spinal marrow, of course.

Is not compression of the spinal marrow sometimes produced accidentally ?—Yes, it is.

And produced accidentally is it as a rule the result of a fall ?—Yes, certain kinds of fall.

Do you go so far as to say not one of these certain kinds of fall is possible with two persons struggling and falling over and striking in the fall an article which is perhaps a foot or even higher from the floor ?—Certainly not. I am dealing now with the cauldron.

Let us take anything which has happened to be a foot or 15 inches or even 18 inches above the level of the floor, there is no magic, is there about the cauldron as a cauldron ?—Only this, that with regard to that particular cauldron any blow which was struck by a falling body must have been only of the nature of a glancing blow to produce that bending.

The floor probably might cause the injury ?—No ; if you take a blow which is a glancing one, that cauldron would so far break the fall as to

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reduce the danger of contact with the floor afterwards.

In a fall of that sort where the coal cauldron had taken a part and the chair had taken a part, and the body on top might take a part, you might even get a twist, might not you ?—It is difficult to see how you could. You mean a twist of the neck ?

Is it to be finally dismissed altogether from speculation ?—I cannot conceive how it could occur.

You are in a difficulty in this case, one knows, because you have not got the organs from which you can make your deductions, have you ?—No.

You can only go upon speculation ?—Yes.

Does it require much violence to bring about such a fracture or shifting of the cervical vertebræ to produce compression of the spinal cord ?—To produce rapidly fatal compression, yes.

The spinal cord will not take very much compression, will it, without there being rapid death ?—No ; it depends, of course, upon the nature of the injury. It may be due to hæmorrhage or due to the effect of the breaking of the bone. If hæmorrhage followed the injury it might appear a lesser injury and develop very slowly.

A very small amount of compression of the spinal marrow will produce rapid death ?—This part of it, certainly.

I am dealing with this part, anything to do with the neck bones ?—Yes.

It is the most vital part of the spinal marrow ?—Yes.

Cases which you have had of fatal and rapidly fatal compression of the spinal marrow, have they

Sir Bernard Spilsbury

been cases of falls ?—I think every case I have had of rapidly fatal compression of the spinal marrow has been a case in which there has been disease of the spinal column.

Some abnormality ?—No ; I mean actual disease of the spinal column.

Tuberculosis. You mean, having tuberculosis of the spine, they have, while in that condition, met with a fall which has caused———?—No, it was not even a fall. In one case sudden death occurred to a boy who had developed disease of the spine, who dived into a bath and did not come to the surface again.

You gather that he struck his head on the bottom of the bath ?—Or a mere flexion of the head.

Is that in some cases sufficient to cause compression of the spinal marrow ?—Where there is disease, certainly.

Let me put it again, not in a perfectly healthy and normal individual ?—No.

But since you have said that mere flexion of the head will produce it, is the difference so great that a twist of the neck could not take place with a healthy person so as to produce compression of the spinal cord ?—I do not think it is.

The spinal marrow ?—I do not think so.

I suppose we need not go so far as to say that only diseased persons die from compression of the spinal cord ?—Oh, no. It requires extreme violence.

Re-examined by Sir Henry Curtis Bennett.

Can you tell me how long after death would bleeding stop, assuming a lacerated wound on the head ?—

Sir Bernard Spilsbury

It would begin to cease, or the amount would be reduced, for the moment the heart stopped beating, at the moment of death, and within four or five minutes actual bleeding from the wound would cease. Of course, if there is a lot of hair matted with blood the blood might continue to drip out of the hair, but there would be no actual loss of blood from the body.

The actual bleeding from the body would stop within a period of about four minutes ?—Yes.

From your examination of the coal cauldron, assuming that anybody fell on it at all, is it your opinion that the fall was a direct fall upon it or a fall which only struck it a glancing blow ?—I do not think it could have been anything more than a glancing blow.

Assuming the fall which has been put to you by my learned friend Mr. Cassels, over a chair and then on to the coal cauldron and then on to the floor, would you get first of all a break of the fall over the chair ?—Yes.

Would there be a further break with a glancing blow on to the coal cauldron ?—Yes, there would.

Could such a fall cause injury either to a part of of the brain which would cause sudden death or to the vertebræ of the neck which would cause sudden death ?—No.

Are you quite clear about that ?—Quite certain.

Mr. Justice Avory : I think you have said, will you repeat, why you think it must have been a glancing blow, if any, on the coal cauldron ?—Because any severe blow on that cauldron would have caused it to collapse completely.

Sir Bernard Spilsbury

Looking at the character of the legs ?—Yes, and the body as well.

Sir Henry Curtis Bennett : It has a new false bottom to it, has it not ; it has been repaired there ?—Yes.

It is not even whole in its body ?—It is very flimsy in construction as well.

Assuming it is full of coal, this bottom part has been replaced, has it not ?—Yes, it has.

It is not even solid there ?—No.

That has been just rivetted on ?—Yes.

I want you to look at Exhibit 20. (*Handed.*) You have been asked whether or not as a result of the examination of the body you could say whether the throat had been cut or whether there had been any stab. Could the back of that axe cause a lacerated wound which would result in rapid death ?—Oh, yes.

Mr. Justice Avory : I am not sure whether you asked about the bones which were found on the dust heap.

Sir Henry Curtis Bennett : I did not get the negative result.

Mr. Justice Avory : You had better do so.

Sir Henry Curtis Bennett : I will, my Lord ; I ought to have asked. You had brought to you boxes of bones, I think, which were said to have come from the dust heap ?—Yes.

Did you find amongst those boxes any human bones? —None which I should identify as human ; certainly many of them were not human.

And more particularly did you find any bones amongst those which were in fact skull bones ?—Not human skull bones, no.

Sir Bernard Spilsbury

Are you sure there were no human skull bones ?—I am sure there were no human skull bones.

Mr. Cassels : May I ask one question about that, my Lord ?

Mr. Justice Avory : Yes.

Further cross-examined by Mr. Cassels.

I do not know whether you saw any powdered bone at all ; bones which had been reduced to ashes so small that it would have been impossible to have told their shape ?—Not actually powdered, but some of the fragments were so small, like those in the ashes of the grate, that it was impossible to say where they came from.

And impossible to say whether they were skull bones or not ?—I am satisfied they were not skull bones, but they might have been from other portions of the body.

Would you say it was impossible to say whether they were jaw bones or bones of the face ?—It is impossible to say whether there might not have been some fragments of bone of the face, but if the skull had been amongst them some other fragments would certainly have given indication of it.

Sir Henry Curtis Bennett : My Lord, that is the case for the Prosecution, with the exception of the Prisoner's statement which was made before the Justices. Perhaps the learned Clerk of Assize might read that.

(*The Clerk of Assize then read the statement*) :

"I have already made a full statement of the facts in this case, but I wish to add some details which may

Prisoner's Statement

save waste of time and money in calling unnecessary witnesses.

"I give these details not strictly in order of date, but in order in which evidence has been given at this Court, as it may be more convenient to follow in that way.

"On April 9, 1924, I booked a room at the Bonnington Hotel, Southampton Row, London, for two days, signing the hotel register as J. Waller, 13, Clifton Gardens, Bristol. On my arrival on April 9 the reception clerk handed me a letter addressed to J. Waller. On April 12 I drove with Miss Kaye in the early evening in a taxi from Eastbourne Station to the Officer's House. Her luggage, including the big brown trunk, was carried by the taxi. On arrival at the bungalow I opened the door with a key, and the driver placed the trunk in the first bedroom on the left. At that time my right arm was in a sling owing to a wrist injury sustained two days before.

"On the night of April 17 I stayed at the Clifton Hotel, Eastbourne, registering as J. Waller, Bristol. On April 12 I drove with Miss Kaye in a taxi from Officer's House to an Eastbourne hotel, where we dined, returning by taxi about 10 p.m. On April 17 I drove in a taxi from the Officer's House to the Clifton Hotel, Eastbourne, starting about 9.15 p.m. On April 26 I drove in a taxi from Officer's House to the Bay Hotel, Pevensey, and on that evening about seven I drove from the bungalow in a taxi to Eastbourne. On April 16 I engaged a taxi to drive me from the bungalow to Hastings and back to Eastbourne. I wanted to be back at Eastbourne in time for me to catch the 4.30 p.m. train to London.

Prisoner's Statement

The driver said he could not do that, so I instructed him to take me to Bexhill Post Office. He did so, and I entered the post office. He then drove me to Eastbourne Railway Station where I caught the 4.30 p.m. train to London.

"On April 26 about 2 p.m. I took a taxi from Bambridge's Garage, Pevensey Bay, to the Officer's House. I dismounted at the road leading up to the bungalow.

"On April 11 I took a taxi from the Officer's House and drove to the railway station, Eastbourne. On April 27 I took a taxi from the bungalow and drove to Eastbourne, where I took the 5.55 p.m. train to London.

"On April 19 I went by taxi to Plumpton, arriving at about 1.30 p.m. I started about 11 a.m. stopping en route at Eastbourne Station, Lewes General Post Office, and then to the racecourse at Plumpton. After the last race the same car took me back to Eastbourne Railway Station.

"On the morning of Saturday, April 26, I engaged a taxi about 10.15 to drive me up from Eastbourne to the Officer's House.

"On the night of April 16 I stayed at the Grosvenor Hotel, London, registering in my correct name and address, and having no luggage with me.

"On April 27 I arrived at the Great Western Hotel, Reading, at about 11 p.m., and signed a register form as J. Rees, of Purton, Swindon. I slept at the hotel that night leaving early the next morning.

"On April 16 I dined at the Victoria Station Restaurant, London, leaving about 10.10 p.m. On April 18 I met the train from London, arriving at Eastbourne about 1.20 p.m., lunched at the Sussex

Prisoner's Statement

Hotel, and dined the same evening at the Royal Hotel, Eastbourne, leaving there about 10 p.m. I drove to the Officer's House and slept there during the nights of the eighteenth, nineteenth and twentieth April.

"During these days Miss Kaye's trunk and hat-box were in bedroom No. 2, and her tortoise-shell hairbrush and other articles were in bedroom No. 1. I moved a pair of her shoes from bedroom No. 1 on the morning of Saturday, April 19. That evening I dined at the Sussex Hotel.

"On April 20 I opened a telegram which had been delivered at the bungalow the previous evening in my absence, addressed to me as Waller, Officer's House.

"On April 21 I left the Officer's House about 3.45 p.m. and drove to Eastbourne Railway Station, and thence by train to London, eventually reaching my home at Richmond just after midnight.

"On March 27, 1924, I stayed with Miss Kaye at the South Western Hotel, Southampton, for a night, returning to London next day alone. I registered as Mr. and Mrs. P. Mahon."

Sir Henry Curtis Bennett: That is the case for the Prosecution.

Mr. Cassels: My Lord, I call the Prisoner.

The Prisoner

EVIDENCE FOR THE DEFENCE.

PATRICK HERBERT MAHON, *called and examined by Mr. Cassels.*

Are you Patrick Herbert Mahon ?—Yes.

How old are you ?—Thirty-four.

You were employed, were not you, as Manager of the Consols Automatic Aerators (1914) Limited ?—Yes.

Have they got works at Sunbury ?—Yes, that is right.

We need not go into it in detail from you, we have heard that the Company was in the hands of a Receiver, who was Mr. Hobbins, of Robertson, Hill & Co., from May, 1922, until the discharge of the Receiver ?—Yes.

Did you have frequently to go to the offices of Messrs. Robertson, Hill & Co. in Copthall Avenue to discuss the business of the firm with the Receiver ?—Yes.

Did you at those offices meet and make the acquaintance of Miss Kaye ?—I did.

About when would that be ?—I actually made the acquaintance of Miss Kaye in the summer of 1923.

Where did you make her acquaintance ?—At the offices of the Receiver in Copthall Avenue.

How long after first meeting Miss Kaye would it be that you were in her company alone ?—It would be some time in August, 1923.

Did you know where she was living ?—Oh, yes.

At the Green Cross Club in Guilford Street ?—That is right.

What did she call you during the time of her early acquaintance ?—Mr. Mahon.

The Prisoner

And afterwards ?—Pat.

Did she know you as "Pat" throughout your acquaintance ?—Quite.

Was there some question between your firm and the Receiver in which you yourself were interested ? —Yes.

Was that a subject of discussion between yourself and Miss Kaye at times ?—Yes.

Now I want you to deal with one question which has been spoken about by Miss Warren. Did you call at the Green Cross Club upon one occasion and take Miss Kaye out ?—I did.

About when would that be ?—It would be before Christmas—probably November.

You are a married man ?—I am.

Did you ever say anything about your being a married man to Miss Kaye ? — Oh, yes, often.

What was your wife's occupation ?—My wife was Secretary of the Consols Automatic Aerators (1914) Ltd. until the appointment of a Receiver, and with the appointment of the Receiver that position, of course, ceased, but she retained the same duties until the time of my arrest, and I believe she is still in the same position.

Would there be communications between the offices in Copthall Avenue and the business at Sunbury by telephone ?—Yes, daily ; a good many times during the day.

Who would answer the telephone at the works at Sunbury ?—Mrs. Mahon often, and a clerk.

Was your wife known as Mrs. Mahon there ?—Yes.

And in the offices at Copthall Avenue ?—Yes.

The Prisoner

Did you go to live at No. 2, Pagoda Avenue, Richmond, in January of this year ?—Yes.

Were you acquainted with the discontinuance of Miss Kaye's employment at the offices in Copthall Avenue ; did you know that she left ?—Oh, yes.

She left in October, 1923 ?—Quite.

And you continued your acquaintanceship with her ?—Yes.

Why ?—Well, we were not only intimate, but we were particularly friendly and Miss Kaye was unquestionably fond of me.

She was fond of you ?—Yes.

Were you very often in her company until we come to material dates in this case ?—Oh, yes.

In going about with her ?—Yes.

Did you stay with her at any place before you stayed with her at Southampton ?—No, never.

Did you know anything of her money affairs ?—What period are you speaking of ?

At any time, but deal with the period round about the end of 1923 and the beginning of 1924 ?—No.

Did you know what she had her money invested in ?—No.

Was there a discussion between you upon an investment in francs, and if so, how came that discussion about ?—There was a discussion.

When was it ?—Before Christmas, 1923. Miss Kaye was employed as—I suppose an amanuensis is the real term, that is what she described it as.

In Bond Street, was it ?—No, it was before that. She was temporary secretary, and she had inside information from I think, Colonel Mayes and also, I think it is, Sir William Crossfield, I am not sure ;

The Prisoner

and she had inside information regarding the exchange in francs, and she told me there was a chance of making money by buying and selling francs. On taking it into consideration I was rather impressed and considered that what she said was reasonable.

Did you go with her into some franc transaction ?—I did.

I do not think we need go into it in any detail, but did you have some of her money, some money which came from her, £100 notes ?—Yes.

How many £100 notes did you have from her ?—I had three.

And those are the notes which have been produced in evidence and which have been written upon in the names of " A. Lowe, J. Edge, and J. B. Peters," Exhibits 67, 68 and 69 ?

Mr. Justice Avory : Are we to take it the answer means that the three £100 notes were all the result of speculations in francs ?

Mr. Cassels : I will take that from the witness. How came you to be possessed of those £100 notes from Miss Kaye ?—It would be before Christmas when I gave Miss Kaye, I think it was actually £125, but I am not certain.

Of your own money ?—Of my own money, for the purpose of speculation fifty-fifty ; she would put up a similar sum. In February she handed me the first £100 note. I had asked her how the thing was going, and actually when she returned from her holiday in January, after Christmas I first mentioned it to her ; it would be in February some time that she gave me the first £100 note, and I commented to her on the

The Prisoner

size of the note, it seemed unusual, but I cashed the note.

Where did you cash it ?—At the Bank of England.

You put on it a name which was not your own ?—I did.

Why ?—I was not altogether satisfied about the transaction.

Mr. Justice Avory : What does that mean ?—I mean this : at this period Miss Kaye had not only shown and expressed her love and desire for me, she was not only jealous of my wife, but she was endeavouring as I thought to drive a wedge between us, and I wondered if this was part of a plan which I could not see ; I thought that possibly by giving me a £100 note—she could easily have given me a smaller sum—it might possibly involve me in some way, and I signed a false name on the note simply so that the note should not be traced to me.

Mr. Cassels : Do you remember which name it was you put on this one, was it " Lowe " or " Edge " or " Peters " ?

Sir Henry Curtis Bennett : " Lowe."

Mr. Cassels : Does the same reason apply to the second note ?

Mr. Justice Avory : He has not told us yet what the second note was for.

Mr. Cassels : Did you have a second note ?—I had a second note.

For how much ?—The same amount, £100.

For what purpose ?—The first note was supposed to represent part of my capital back of what I had invested, and of that first note Miss Kaye asked me for some portion of the note back, and I gave her £40.

The Prisoner

Was the first note cashed into £10 notes ?—Yes.

Would it be four of them you handed to Miss Kaye ?—Handed to Miss Kaye.

You were telling us about the second note. When did you get it ?—I cannot say the exact date ; it would be within two or three weeks, possibly more.

Did you cash the first £100 note the same day that you got it ?—Yes.

Were you alone or did anyone come with you when you cashed it ?—I was alone.

Would it be the 19th February when that was cashed ?

Mr. Justice Avory : That is the first note.

Mr. Cassels : The 19th February ?—The first note, yes.

The second note would be about two or three weeks later ?—Yes, possibly a month.

That brings us to March ?—Yes.

Was that cashed on the same day as it was received ?—That I cannot say.

Did you cash that at the Bank of England, or where?—At the Bank of England.

Mr. Justice Avory : It would be convenient to know whether anything took place when the second note was handed.

Mr. Cassels : What was the purpose of the second note ; from whom did you get it ?—From Miss Kaye.

Where was it she handed it to you ?—I forget.

For what purpose, what was the object of her handing you this £100 note ?—It was supposed to represent the balance of my original investment of £125, and of this note I gave her £30 or £40 also, as on the former occasion.

The Prisoner

I do not know whether it enables you to fix the date when you got the note and when you cashed it; do you remember Miss Kaye suffering from influenza between the 15th March and the 22nd March ?—Yes.

Was it before then you had the second note ?—That I cannot say.

MR. JUSTICE AVORY : Have we the date when the second note was cashed ?

SIR HENRY CURTIS BENNETT : Yes, the 24th March.

MR. JUSTICE AVORY : The witness accepts that, I suppose ?

MR. CASSELS : Do you accept that; did you cash it at the Bank of England ?—I did.

That is the one you signed " J. Edge, St. Elmo, Staines " ?—Yes.

That was cashed on the 24th March ?

MR. JUSTICE AVORY : You put a false name and address also ?—Yes.

MR. CASSELS : Miss Kaye was ill with influenza between the 15th and the 22nd March at the club ?—Quite.

You went to Southampton upon the 27th March. Can you tell us now at all how you came to get that £100 note upon the 24th March. Miss Kaye would be at Bournemouth upon the 22nd March ?—No, I cannot say.

MR. JUSTICE AVORY : You cannot remember where or how you got it ?—She just gave it to me ; I cannot remember the date or the circumstances, except that when she gave it to me I commented upon the fact again that it was a £100 note, and I said : " Peter,

The Prisoner

what is the £100 note stunt." She said : " No stunt at all." She said : " Just convenience "—turned it off by a remark like that. I think it was at that period I realised more than on the first occasion that she might have some object.

Just before we leave that second note ; it was cashed upon the 24th March at the bank. That is the evidence ?—Quite.

Can you tell us whether that was the day or not when you received it from Miss Kaye ?—I do not think it was the day.

The third note was cashed after the death, was not it ?—Yes.

I will come to that later. Do you remember Miss Kaye going to Bournemouth ?—Yes.

Mr. Justice Avory : Mr. Cassels, would it be convenient to have the evidence now of when he received the third note, so as to complete it ?

Mr. Cassels : Certainly. There was a third note, it is numbered 05306, Exhibit 69, and it is signed in your handwriting " J. B. Peters, 271, Hagley Road, Birmingham " ?—Quite.

It was cashed on the 17th April, this year ?—Yes.

How did you come to be possessed of that and cash it ?—Miss Kaye gave me that note on the Monday, the 14th April, and it was supposed to represent along with the other two £100 notes the full sum, the £125 which I had advanced her plus profit which had accrued on the speculation, minus £20 expenses which we had agreed to share ; that is, expenses in connection with Southampton and Eastbourne.

The Prisoner

Did you cash that over the counter at the Bank of England ?—I did.

Those are the three Bank of England notes for £100 which appear in this list ?—Yes.

Did you spend the money, or at any rate, have for yourself and use for your own purposes, the money which you got as the result of the cashing of those £100 notes with the exception of the money which you say you paid back to Miss Kaye ?—Quite.

Do you remember Miss Kaye going to Bournemouth on the 22nd March ?—Yes.

On the 27th March, Thursday, did you go to Southampton ?—Yes.

How did that visit come about ?—Miss Kaye went away on the Monday previous to the Thursday. She wanted me to come down and take a holiday with her at Bournemouth. I did not, and she wrote me from Bournemouth begging me to come down at least for a day.

Have you got that letter ?—No, I have not got the letter.

Did you ever keep any letters at all from Miss Kaye ?—Never.

Why not ?—There was a great danger of my wife finding them.

She wrote—— ?—She asked me to come down at least for a day. I told her I could not go to Bournemouth, I was too well known. I have business friends in Bournemouth, but we arranged that she should come to Southampton and meet me there; that I should go down from London and she from Bournemouth to Southampton and stay the night there, I to return the next day for London, she to

The Prisoner

return to Bournemouth; and that is what we did.

Do you remember what time you got to Southampton West?—It would be in the afternoon, probably just before six.

It is in evidence that a ring was purchased upon that day which has been produced, Exhibit 12, with a note which is traced to Miss Kaye. Were you present at the purchase of that ring?—No.

Did you take any part in its purchase?—No.

When did you first know that that ring had been purchased?—I saw Miss Kaye wearing it.

When?—On her return from Bournemouth.

You did not see it on the 23rd March?—No.

Was it a present from you to her; was it an engagement ring?—Presumably.

I do not know what you mean by that. Was it an engagement ring given by you to her?—Oh, no; it is described as an engagement ring.

I suppose any ring may be an engagement ring. Was it catalogued?—No, it is described as an engagement ring.

You saw it on Miss Kaye's return to London for the first time?—Yes.

Did you know how much had been paid for it?—No.

You stayed with Miss Kaye at the South-Western Hotel at Southampton?—Yes.

Mr. Justice Avory: As man and wife?—Yes, I registered in my own name.

You slept together?—Quite, yes.

Mr. Cassels: You have never denied that, have you?—Never.

The Prisoner

MR. JUSTICE AVORY: Is that the first time that intimacy of that kind had taken place between you?—No, my Lord. The first time we had stayed together anywhere.

But not the first time intimacy had taken place?—No.

MR. CASSELS: When you and Miss Kaye went to the South Western Hotel you registered as Mr. and Mrs. P. H. Mahon. Was Miss Kaye wearing any ring?—Yes, she was wearing a wedding ring.

Do you know where she got that from at all?—No.

Did you give it to her?—No.

Did you return from Southampton on the Friday, the 28th; were you only stopping at Southampton for one night?—Yes.

Did you return to London alone the next day?—I returned alone next morning.

Can you give us any information about a £10 note cashed at the Southampton West upline booking-office on the 28th March? Did you obtain any ticket on that day at that booking-office?—I bought two tickets, one for Miss Kaye to go to Bournemouth, and one for myself for London.

Did you change a £10 note then?—I probably did.

Can you remember whether you bought your return ticket upon the 27th March? I think it is recorded as being paid into that booking-office on the 27th March.

MR. JUSTICE AVORY: Is it material?

MR. CASSELS: You did change the £10 note?—Probably.

When did Miss Kaye return from Bournemouth, was it the 31st March, the Monday?—The Monday.

The Prisoner

While you were in her company up to this time what had your conversation been about between you with reference to yourself and her?—Do you mean so far as feelings were concerned?

Anything that she was wanting you to do or not?—She had plainly told me, plainly shown me on several occasions that she was fond of me, was in love with me.

Mr. Justice Avory: You have said that already.—She wished me to go abroad with her, and, of course, I refused. She suggested I should take a holiday with her where she could convince me that she loved me. She told me that I was cold and that I did not give her a chance.

Mr. Cassels: Anything else that you can remember upon that topic?—She suggested that we should take a bungalow where we could be quite alone together—"toute seule," she put it.

Is that her expression, "toute seule"?—Yes. Miss Kaye was quite conversant with French, we often used to speak together in French. "Toute seule" is a common term. Her idea was that if we were alone together and she could act as my wife, do the cooking, do everything, she would convince me that I could be entirely happy with her.

Was anything said about this last matter while you were at Southampton with her?—Yes, it was discussed.

Were you willing to fall in with this idea?—I did not want to.

Did you ever contemplate that you would go abroad with Miss Kaye?—Never.

I want you now to come to the 31st March. Miss

The Prisoner

Kaye returned from Bournemouth and did you meet her ?—Yes.

Do you remember what time it was you met her ?—I met her in the afternoon.

Did you have some tea together at the station ?—Yes.

And did you go to the club with her or not ?—No.

Where did you separate ?—At Waterloo.

Did you get a telephone message from her the next morning ?—I did.

Where were you ?—I was at Sunbury.

At the works ?—Yes.

Was there a telephone message from her ?—From her.

What was it about ? This is the 1st April, Tuesday. —It was about an advertisement in a paper, " Dalton's Weekly."

An advertisement about what ?—About a bungalow.

Where ?—Whitstable.

Did she give you the address ?—Yes.

Where ?—Somewhere in Hammersmith ; Hamlet Gardens, I think it was.

Did you take that address down or did you keep a note of it ?—I kept a note of the address.

Did you about mid-day call with regard to the bungalow upon some person ?—Yes, I did.

Did you on the 2nd April actually go to Whitstable ? —Yes, I did.

And see that particular bungalow ?—I did.

Did you return, and I think eventually you did not take that bungalow ?—I did not.

Why was that ?—Because in the meantime, on the Saturday, Miss Kaye had found another bungalow ; the Officer's House, and had fixed on that.

"THE OFFICER'S HOUSE" ON THE CRUMBLES, EASTBOURNE

[*Topical Press*

The Prisoner

When was it that she found an advertisement and in which paper, with regard to the Officer's House ?—The advertisement itself appeared on the 4th April in the " Daily Telegraph." The date would be—that is Friday, that is the same day.

Was that information communicated to you by Miss Kaye by telephone ?—By Miss Kaye by telephone.

Did you telephone to Mr. Muir upon that day with reference to the bungalow ?—I did.

Did you see Miss Kaye that day, the Friday ?—Yes.

Was anything said then about this bungalow scheme ?—Yes.

What was said ?—Miss Kaye said : " This seems just the thing."

The Officer's House, as advertised ?—As advertised in the " Telegraph."

Did you send a telegram on the Saturday to Mr. Muir to say that you were going to visit the Officer's House ?—Yes.

You telephoned on the Friday ?—I telephoned to Miss Kaye on the Friday.

Was Miss Kaye with you when you telephoned on the Friday ?—Yes.

Did you go down on the Saturday and see the Officer's House ?—I did.

Shown over it by Mr. Muir ?—Quite.

You agreed to take this Officer's Bungalow for two months ?—Two months.

I want you to tell my Lord and the Jury why for two months ?—My wife at that period was and is ill. She had been working for some considerable time

The Prisoner

at high pressure and was on the verge of a breakdown, and in fact we had arranged, or were arranging for an operation, and I thought that as I had promised Miss Kaye if we could find a suitable place that I would go through with this experiment, or this love experiment, it would kill two birds with one stone, if I took the bungalow for that period, and after Miss Kaye had finished down there and we returned...

MR. JUSTICE AVORY: After Miss Kaye had finished?—After we had finished our love experiment and she returned and I returned, my wife and I could use the bungalow.

MR. CASSELS: You took that bungalow for two months with that object?—Quite.

And you paid the deposit?—Quite.

On Monday, 7th April, Miss Kaye went to Eastbourne; I think you saw her off at the station?—That is so.

MR. JUSTICE AVORY: To the Kenilworth Court Hotel?

MR. CASSELS: The Kenilworth Court Hotel. Would it be about this time that you first knew that Miss Kaye had given up her room at the club?—Yes.

What did you say to her when she communicated that to you, that she had given up her room at the club?—I was startled with the information and asked her why. She told me she had given out her engagement to the members of the club to a man named Derek Patterson.

Did she say anything else to you when she said that she had given out her engagement to a man called Derek Patterson?—She said she was going down to Eastbourne.

The Prisoner

Did she tell you anything at all about you being Derek Patterson, or were you the Derek Patterson, or supposed to be ?—I asked her. I said : " Who is Derek Patterson ?" She said : " Why ?" and smiled, and I took it to be that she meant me, and told her so.

Mr. Justice Avory : We had better know what was said, if anything, when you told her.

Mr. Cassels : Just follow on with that. What did she say ?—I do not remember the exact words she did say.

Tell us as far as your recollection goes ?—She simply told me she was determined to gain and retain my affection somehow.

Did you see her off to the Kenilworth Court Hotel, Eastbourne ?—To Eastbourne.

Did you arrange with her when you were going to go down to Eastbourne yourself ?—Yes.

When was that to be ?—On the Friday, until Tuesday.

The following Friday, which would be the 11th, until Tuesday the 15th ?—That is so.

Why could not you go down before the Friday ?—I was busy at the works.

Mr. Justice Avory : The bungalow was only taken from the 11th.

Mr. Cassels : Yes, but Eastbourne is still a big place.

Mr. Justice Avory : I thought you were speaking of the bungalow.

Mr. Cassels : No, my Lord. (*To the Witness*) : You were busy at the works ?—Quite.

Until the Friday ?—Until the Friday.

She would be alone ; you never went to Eastbourne during that time ?—No.

The Prisoner

You had given to Mr. Muir an address at the Bonnington Hotel, Southampton Row ?—Yes.

For the purpose of communicating with you ?—Yes.

Did you in fact stay at that hotel upon the two days upon which you registered ?—No.

Did you call for a letter ?—Yes.

And get a letter addressed to you in the name of " Waller, Bonnington Hotel," from Mr. Muir about the bungalow ?—About the bungalow.

Who suggested the name, or how did you come to have the name of " Waller " ?—When the question of the bungalow was first discussed between Miss Kaye and I, she said " Mahon, take it in your own name" ; I said : " Well, what about my wife." She said : " Well, any old name will do, I do not mind," and she haphazardly fixed upon the name of "Waller."

Was it in that name you dealt with the Whitstable bungalow and the Officer's House ?—Both.

Did you go to the Officer's House on the 11th, Friday ?—Yes.

And did you see Mr. Muir and Mrs. Nevin, and then you took over the keys of the bungalow and left ?—That is right.

You did not in fact stay at the bungalow on the night of the 11th, did you ?—No.

The key of the front door of the bungalow, which has been produced, is a heavy key ?—A cumbersome key.

Did you sleep at home upon the night of the 11th?—Yes.

Friday ?—Friday.

On Saturday morning, the 12th April, were you in the office of your works ?—Yes.

The Prisoner

At Sunbury ?—At Sunbury.

Can you remember what time it was you left ?—Between 10 and 11, I think.

Did you go to Waterloo ?—Yes.

Did you send a telegram to your wife, which has been produced ? I think it is No. 50, and did you go from Waterloo to Victoria Station ?—I did.

You were going to catch which train ?—The 1.20.

From Victoria to Eastbourne ?—Yes.

Did you want to make some purchases in Victoria Street ?

MR. JUSTICE AVORY : You had better not lead here.

THE WITNESS : Yes, I went to Victoria Street to buy some handkerchiefs, and a shirt and other things at an outfitters there. I came out of the shop and almost opposite the outfitters I saw Staines' shop, the Kitchen Equipment Company.

MR. CASSELS : One thing I want to ask you. Did you meet Mr. Muir that morning ?—I did.

Where ?—In Victoria Street.

Was it before or after you had purchased the handkerchiefs ?—Before.

Do you agree with the conversation which he has given in evidence ?—Yes, quite.

You said you purchased the handkerchiefs and then you saw opposite, Staines' shop. Now go on from there ?—I remembered the key of the bungalow ; I looked into the shop———

MR. JUSTICE AVORY : What do you mean you remembered the key of the bungalow ?—The key was large and I had in my mind putting a Yale lock on the front door of the bungalow. I went over to

The Prisoner

the shop and met an assistant just by the door. I also had in mind to buy some other things for the bungalow for table use. I could not remember that we had a carving knife among the things that were left in the bungalow when I took possession the previous day, and I asked the assistant for a carving knife. He said : " We are closed." Almost by the assistant, on a sort of tray arrangement, there were a good many knives, and I asked him : " What is that knife." He said : " That is a chef's knife." I said : " That will do as a carving knife," and asked him the price, and he told me. I selected one, and on the same tray there was a saw, there were several saws. I asked him the price of the saw, thinking that would be useful also for fixing on the lock or, if necessary, taking off the old one. I said : " I will take that saw, it is not dear," so I took the two things, paid for them and went back towards the station. The assistant by his manner plainly showed he was in a hurry to get away and I did not bother about the lock, thinking : Well, I can get that at Eastbourne. I did in fact get the Yale lock and the chisel on the Monday following with Miss Kaye in Eastbourne.

Mr. Cassels : Did you in fact at that Staines shop buy a knife cleaner ?—No, I did not buy a knife cleaner.

Were you able to catch the train that you intended to catch ?—No, I just missed the train.

Did you send a telegran to Miss Kaye at the Kenilworth Court Hotel ?—Yes, I did.

That is Exhibit 44. Did you send that off from the Vauxhall Bridge Road ?—Yes.

The Prisoner

Stating you would be arriving at 4.49?—That is so.

Did you get to Eastbourne about that time?—About that time.

Did Miss Kaye meet you?—She did.

Was her luggage already in the cloakroom at Eastbourne Station?—Yes.

Did you collect it after some tea?—Yes, with Miss Kaye.

I think there were three pieces of luggage there?—That is so.

And you came out and engaged a taxi-cab therefore and went to the Officer's House?—Quite.

Was one of your arms in a sling?—My right arm was in a sling.

Mr. Justice Avory: That is before?—I had sprained my wrist the previous day or two days, I forget which.

Mr. Cassels: How?—There was an old lady getting off a 'bus at the corner of the avenue in which I lived, Grosvenor Avenue, and the 'bus started and she sort of slipped. I put my right hand out to prevent her falling.

We need not go into details—and so you sprained your right wrist?—Yes.

Are you very strong in that region or not?—No, not in the right wrist.

Now I want to pass on. You got to the Officer's House and deposited your luggage, and did you later on go by taxi-cab to the Sussex Hotel with Miss Kaye and there have dinner?—Yes.

And return later to the Officer's House?—Yes.

On Sunday, at the Officer's House, April 13th, how was that day spent. Just tell us quite shortly?

The Prisoner

—In the morning Miss Kaye cooked lunch and did the house-work. The afternoon we spent walking round about the beach.

Then we come to Monday, the 14th, will you tell us in your own way what happened upon that morning, the Monday morning ?—On Monday morning we went into Eastbourne and I think Miss Kaye called at the Kenilworth Court Hotel, collecting some letters or a parcel. We had lunch.

Mr. Justice Avory : Had not we better know before we go any further which rooms were occupied at the bungalow ?

Mr. Cassels : Looking at this model you agree the sitting-room is as represented there ?—Quite.

There is the dining-room...?—I cannot see the furniture from here.

Mr. Justice Avory : Never mind the furniture for a moment.—The position is right.

Mr. Cassels : Which bedroom was occupied by you and Miss Kaye ?—The first bedroom on the right.

Mr. Justice Avory : The one opening out of the sitting-room ?—That is so, the one opening out of the sitting-room.

That was the only bedroom ; you and Miss Kaye slept together ?—We slept together, that was the only bedroom we used. There were three bedrooms, my Lord.

Mr. Justice Avory : I can see the model.

Mr. Cassels : Was the kitchen scullery used as the place for cooking ; was the cooking done there ?—Yes.

Were there coals in the shed when you took the bungalow ?—Yes.

The Prisoner

What sort of coals were they ?—Nearly half a ton in fairly big lumps.

The other bedrooms which you did not occupy, were they furnished as bedrooms ?—Quite.

Was the dining-room used by you for the purpose of your meals, or did you have your meals in the sitting-room ?—We had meals mostly in the front sitting-room, but once or twice we had meals in the front dining-room.

You were telling us about your movements on the Monday. You told us that you had gone into Eastbourne with Miss Kaye, and she called at the Kenilworth Court Hotel. Go on from there ?—I made some purchases ; I bought a box of chocolates and some fruit, and eventually Miss Kaye and I went back to the bungalow.

Did you have your meal at the bungalow ?—Yes.

Mr. Justice Avory : What do you mean ; mid-day, evening, or what ?—I think we dined in the evening. I think we had tea at the bungalow ; I think we dined in the evening at an hotel in Eastbourne.

Mr. Cassels : Did you sleep at the bungalow that night ?—Yes.

What happened upon Tuesday, the 15th April. Take the morning. Take the first meal ?—We had breakfast together.

Any discussion at breakfast ?—Yes, there was a discussion.

What was it about ?—Miss Kaye was rather insistent on having some arrangement come to. She knew the arrangement I had made that I was to return to town on the Wednesday. The original arrangement had been broken, the Friday to Tuesday,

The Prisoner

we had arranged Saturday to Wednesday, that was the day I had to go back to Town, and we had a discussion at breakfast about immediate plans. Eventually it was arranged that we should go over to Hastings for lunch and on to Town from there.

MR. JUSTICE AVORY : On the Tuesday ?—On the Tuesday.

It was arranged at breakfast that you should lunch at Hastings and go on to London ?—On to London from Hastings, that is so.

MR. CASSELS : To London for what purpose, tell us the discussion which was going on between you and Miss Kaye ?—Miss Kaye wanted to go over to Paris, she wanted me to accompany her.

MR. JUSTICE AVORY : All this is so vague. " She wanted me." " She thought " so and so. We want to know what took place. What did she say to you and what did you say to her ?—She suggested that I should go up to Town with her and take a passport or arrange for a passport. I said I would do so. We went to Hastings and had lunch.

MR. CASSELS : Is there anything else you want to tell us of the conversation or discussion between you two before you left for Hastings. Where was the passport to be for ?—The passport was to be for France and that was the passport I agreed to apply for.

A passport for how many ?—For myself.

Why only for yourself ?—Miss Kaye already had a passport.

MR. JUSTICE AVORY : How did you know that ?—She told me so, my Lord. We went to Hastings, had lunch, and I caught a train something about 3.45 for London.

The Prisoner

You and she, or you alone ?—Both of us. During the morning I had written out two telegrams at the Officer's House on telegraph forms in the bureau ; one was to my wife, and another was to Miss Duncan.

During the morning of Tuesday ?—During the morning of Tuesday.

Before going to Hastings ?—Before going to Hastings.

Mr. Cassels : There were two telegrams, one to Miss Duncan and one to your wife ?—That is it.

Exhibits 46 and 51. How were those telegrams sent off from Hastings ?—I gave them both to a porter on the station and asked him to send them.

Did Miss Kaye know anything about those telegrams ?—No.

Or about them going ?—No.

Were you going to be at business on the Wednesday or not ?—I was to be at business definitely on the Wednesday morning.

Mr. Justice Avory : Do you mean you were expected to be ?—I had arranged to be, my Lord.

Mr. Cassels : You and Miss Kaye caught the 3.45 train, and you arrived at Victoria, I suppose ?—Yes.

From there tell us what happened ? Did Miss Kaye leave you at Victoria Station ?—We separated, she to go to the club at Guilford Street and I to go to the passport office, and we were to meet again in an hour. I met Miss Kaye.

Where ?—At the same station.

Where ?—By the tea room.

Did she say anything to you when she met you about the passport ?—Yes, she said : " Have you been about the passport, Pat ? "

The Prisoner

What did you say ?—I said : " Yes."

Had you ?—No.

Did you have a light meal at Victoria Station ?

Sir Henry Curtis Bennett : Do not lead about this.

Mr. Cassels : Did you have anything to eat at Victoria Station ?—We had a dinner of sorts, it was not a heavy dinner, and we caught the 8.35 train to Eastbourne.

On the way down in the train was anything said ?—Yes, Miss Kaye spoke about the passport.

What did you say ?—I said : " Well, I did not go, Peter " ; and we had a quarrel.

What sort of a quarrel—tell us what occurred ?—Miss Kaye was furious at first, and then she alternately pleaded with me to see that I did get a passport, and then became angry because I refused. Alternate pleading—a wordy quarrel.

Mr. Justice Avory : When you say " pleaded," do you mean she begged you to get it ?—That is so, my Lord.

What was the ultimate attitude on your part. What was your ultimate attitude after this pleading ?—That I would not get it.

You refused ?—I refused.

Did you ?—Yes.

Mr. Cassels : Is that the condition of affairs between the two of you in the journey from London to Eastbourne ?—Yes.

On the arrival at Eastbourne did you take a taxi-cab to the Officer's House ?—Yes.

When you got into the bungalow and discharged the cabman, tell us what occurred between yourself

The Prisoner

and Miss Kaye, and what was done ?—Miss Kaye took off her coat.

Mr. Justice Avory : What time did you arrive from this 8.35 train ?—It would be about 10 o'clock, my Lord.

Mr. Cassels : What time did you get to the bungalow ?—Within a quarter of an hour.

Miss Kaye took off her coat ?—Miss Kaye took her fur coat and hat off and I lit the fire and boiled some milk.

Mr. Justice Avory : Where ?—In the sitting-room, my Lord. We both had headaches. While I was lighting the fire Miss Kaye sat down and wrote two letters.

Mr. Cassels : Before we come to the letters, where did you get the coal from to light the fire ?—I carried the coal scuttle with the coal in from either the scullery or the sitting-room.

Which coal scuttle ?

Mr. Justice Avory : What do you mean " from the sitting-room " ?—The sitting-room is the third room in the model——

It is called the dining-room now ; the front one the sitting-room. To prevent confusion you had better call them by the same name.—Very well, my Lord ; the front is the sitting-room, and that is the dining-room, what you are speaking of. I carried the coal cauldron from the dining-room into the sitting-room.

Mr. Cassels : What was there in the coal cauldron ?—Some pieces of coal.

What size ?—Fairly large.

The Prisoner

How did you light the fire with large pieces of coal ?—I broke, with the small axe, a piece of coal.

Where did you do the breaking ?—By the fire in the sitting-room.

How did you do the breaking ?

Mr. Justice Avory : He said with the axe.

Mr. Cassels : I want you to describe how you did it ?—I took a piece of coal in my hand *so*, and tapped the axe on the coal and it scattered over my hand on to the fire.

Mr. Justice Avory : You broke it on your hand ?—I broke it on my hand ; by holding the piece of coal in my hand I would hit the coal with the axe and it would break.

Mr. Cassels : When you had done that where did you put the axe ?—I laid the axe carelessly down.

Tell us where ?—On one of the tables in the sitting-room.

How many tables are there in the sitting-room ?—There were two.

Two tables in the sitting-room and you laid the axe down upon one. Whereabouts was that one table ?—Close to the fire.

When you say close to the fire, which side, in front of the fire ?—In front of the fire.

You lit the fire and you boiled some milk. While you were doing that Miss Kaye had taken off her coat and you got as far as telling us she was writing some letters. Where was she writing some letters ?—She was sitting on a settee.

Where was the settee ?—To the right of the fire looking from the front door, looking inwards.

The Prisoner

Was she writing them at the table or not?—At the table, yes.

Then would she be able, by sitting on the settee at the right of the fireplace, to write on the table which was in front of the fire?—Quite.

Did you have some milk?—Miss Kaye had hers, I did not have mine.

What was the conversation which was going on then, if any, between you; tell us what was said?—I sat down while Miss Kaye was writing her letters. I sat down in the easy chair on the left of the fireplace. After Miss Kaye had finished the letters she looked up and she said: "Pat, I am determined to settle this matter one way or another to-night." She tossed the two letters over and said: "These letters that I have written and my other actions mean that I have burned my boats."

Mr. Justice Avory: What other actions?—I took it from that, my Lord, that she meant leaving the Club—"and for me there is no turning back. Cannot you realise, Pat, how much I love you. You are everything to me and I can never share you with another. Do write to Richmond and finish up there and with the tournament." I said: "I cannot do it, Peter. Why cannot we be pals?" She said: "What is the use of palship to me, to one of my nature?" I said: "That is all I can offer, Peter," and she became very excited.

Mr. Cassels: Was there any later incident?—Yes. Eventually she calmed down and seated herself and wrote a letter which she threw across the table and said: "Sign that letter, Pat." I took the letter and read it with amazement.

The Prisoner

MR. JUSTICE AVORY: What was it?—She had addressed the envelope and the letter to a friend of mine in Richmond, the Assistant Secretary of the tournament of which I was the Honorary Secretary. She started the letter: "Dear old Phiz."

It was a letter beginning: "Dear old Phiz"?—That is so, my Lord. I pointed out to her the absurdity of calling him "Dear old Phiz," and in any case I refused absolutely to write or sign such a letter. She said: "Well, call him anything you like, but write a letter on those lines." I refused absolutely to write such a letter and told her that she could not possibly expect me to give up all that I held dear and do as she suggested, and that rather than do so I would tell my wife the whole thing.

You said this?—I said this to Miss Kaye. She pleaded and begged for me to reconsider the decision I had made, but I would not, and she became very angry.

MR. CASSELS: At that time where was she and where were you?—She was still sitting on the settee and I was sitting on the small chair on the other side——

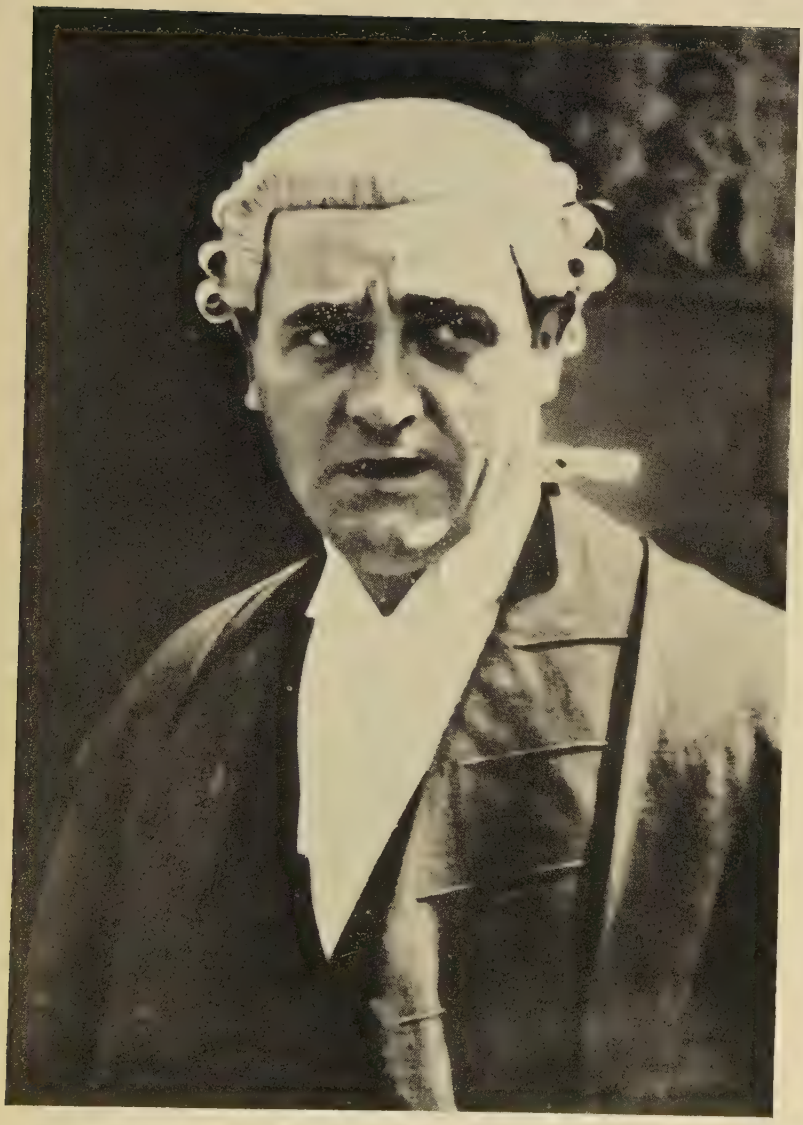
MR. JUSTICE AVORY: Of the fireplace?—Of the table.

You had changed your position?—I had changed from the easy chair to the table.

You mean to a small chair by the table, or what?—To a small chair by the table.

What next?—

MR. CASSELS: You say she then got very excited, I think?



[*Topical Press*

Mr. J. D. CASSELS, K.C.

The Prisoner

MR. JUSTICE AVORY: Very angry.—Very angry and excited.

MR. CASSELS: Tell us what was done then?—I realised from her manner that a crisis was coming; she seemed so hysterical and over-wrought.

MR. JUSTICE AVORY: This is all description, a sort of narrative. We want to know what happened, not what you thought and what you imagined, but what happened?—I said to Miss Kaye: "Peter, I am going to bed," and I moved away from the table to go to the bedroom.

MR. CASSELS: You got up from the chair?—I got up from the chair.

MR. JUSTICE AVORY: Towards the bedroom door, you mean?—Towards the bedroom door.

MR. CASSELS: Then follow on from that?—Miss Kaye said something. She was angry and she said something, I could not catch what she did say, but as I turned by the bedroom door she flung the axe which was on the table. I barely had time to avoid it and it struck me on the right shoulder *here;* it glanced off my shoulder and hit the framework of the door.

MR. JUSTICE AVORY: When you said the right shoulder, you pointed to your right upper arm. Which do you mean?—I mean *there*, my Lord.

You say it glanced off?—And hit either the door or hit the framework of the door, I do not know which. I was astounded by the suddenness, by the attack altogether, and in a second Miss Kaye followed up the throw. She leaped across the room, clutching at my face and—— (*At this point the witness broke down.*)

The Prisoner

MR. JUSTICE AVORY : We have got as far as she was clutching at your face ?—She was clutching at my face, and I did my best to keep her off. We closed and struggled backwards and forwards. I realised in a minute I was dealing with a woman almost mad, mad with anger. I was afraid of the lamp, the lamp was on the bureau just behind the settee, and I did my best to declutch her hold, but I realised in a few minutes that I was not doing so, she was beginning to get the better of me. I became absolutely uneasy with fear and fright.

MR. JUSTICE AVORY : You did ?—I did, my Lord—and with almost a last despairing throw I pushed Miss Kaye off and we both fell over the easy chair to the left of the fireplace. Miss Kaye's head hit the cauldron and I fell with her.

MR. CASSELS : Then tell us what happened ?

MR. JUSTICE AVORY : You fell with her ?—I fell with her.

In what position ; who was underneath ?—Miss Kaye was underneath and I was on the top.

MR. CASSELS : And in addition to that, how were you with regard to hands ?—Miss Kaye had gripped me by the throat and I had gripped her. We were locked together.

MR. JUSTICE AVORY : Where did you grip her ?—I had gripped her by the throat as well, my Lord. We both fell almost against the door leading into the passage.

MR. CASSELS : After that ?—I think I must have fainted with the fear and with the shock. I do not remember when I did become conscious of what was happening or had happened. Miss Kaye was

The Prisoner

lying by the coal scuttle and blood had flowed from her head where she was lying on the floor.

When you came round, in what sort of condition was Miss Kaye ?—Miss Kaye was motionless.

Where was the chair ?—The chair was on the ground lying either across or by my feet.

What happened then, what did you do ?—I tried to rouse Miss Kaye. I pinched her and spoke to her and did what I could to rouse her and she never moved or answered. I think I must have fainted again or lay in a sort of stupor.

Mr. Justice Avory : What is the next thing you remember ?—The next thing I remember is getting up and dashing water into Miss Kaye's face and calling her by name and she did not answer. I think I must have gone half mad, I think I must have come out into the garden and crazy, I think, with fright and fear. I remember coming back to the bungalow later and Miss Kaye was still lying there.

Mr. Cassels : Can you give us any idea as to what time it would be then ?—It would be hours later, I think ; it would be either towards day-break or day-break.

Mr. Justice Avory : When you came back she was still lying there ?—Still lying there.

Mr. Cassels : And dead ?—And dead.

What did you do ?—It suddenly struck me what a fool I had been not to call for assistance and it suddenly dawned on me what a horrible thing it was, she was there and dead. I think the realisation of the fact that she was dead flooded my mind.

Mr. Justice Avory : You were asked what you did, not all this imagination. You were asked what

The Prisoner

you did.—I am trying to remember what I did, my Lord. It is not easy to remember.

MR. CASSELS: Are you able to give a detailed description of every little incident after that early morning?—No, I am not. I pulled Miss Kaye's body into No. 2 bedroom; I laid it on the floor; I put under her head some clothing or mackintosh and covered her face and body with her fur coat.

What did you do after that?—I went out of the bungalow, locked the door and I went into Eastbourne.

About what time would that be?—It would be in the morning about breakfast time.

In Eastbourne what did you do?—I had a shave and wash in Eastbourne. I was in an agony of fear and apprehension as to what to do or what might be the consequences of what had happened, and it suddenly dawned on my mind that I had to be in London on the Wednesday, and it suddenly dawned on my mind that I had wired Miss Duncan the previous day that I would meet her on the Wednesday, and I determined in my mind to go up to London and keep that appointment; it was a definite thing in my mind to do.

MR. JUSTICE AVORY: I wish you would tell us what you did, and not so much about what was in your mind. You went into Eastbourne and then you went up to London, did you?—No, I did not go to London, my Lord, I came back to the bungalow.

Back to the bungalow on the Wednesday?—On the Wednesday.

MR. CASSELS: That would be in the morning. You had been to get a shave and wash, you came back to the bungalow. How long would that take?

The Prisoner

Did you walk into Eastbourne?—I do not remember how.

Do you remember how you got back?—Yes, I came back by taxi.

In the afternoon after that what did you do, if anything?—I caught sight of the letter, the two letters in fact, Miss Kaye had written, and I also caught sight of a letter which she had written, and it suddenly struck me: "If I go to London I had better post this letter to Miss Warren." I had made no definite plans in my mind what to do or how to explain what had happened, and I thought: If I send this letter to Miss Warren it would at least give me time. I engaged later in the afternoon a taxi to drive me to Hastings, as I wanted to wire my wife from Hastings; I did not want her to know that I was in Eastbourne, and eventually I came back to Eastbourne———

You went to Bexhill, did you not?—I went to Bexhill. The driver could not get me to Eastbourne in time, and I went to Bexhill.

And from there did you send a telegram?—To my wife from Bexhill. I got the train from Eastbourne to London, the 4.30 train, and got in late, about 7 o'clock; I think the train was late. I met Miss Duncan.

We got as far as that incident where you met Miss Duncan at Charing Cross at 7.50.

MR. JUSTICE AVORY: You had posted the letter to Miss Warren, I understand?

MR. CASSELS: Not yet, my Lord. The Exhibit shows that.

MR. JUSTICE AVORY: He said: "I saw the letter addressed to Miss Warren." (*To the Witness*): You took it with you?—I took it with me.

The Prisoner

MR. CASSELS : Did you post it then when you got into London ?—In London between 7 and 8.

MR. CASSELS : Then your Lordship was right.

THE WITNESS : I posted it in Victoria Station.

Can you remember where you did post that ?—In Victoria Station.

That would be then after meeting Miss Duncan at 5 minutes to 8 at Charing Cross and getting to Victoria Station ?—Probably that is so.

We have got as far as where you met Miss Duncan. I want to go back just a little in the story because here we introduce as an active figure Miss Duncan. Do you agree with the evidence which has been given by her generally, as to your meeting Miss Duncan in Richmond on or about the 10th April ?—Yes.

She has told us it was a wet night ?—Yes, that is right.

She said that you said that your married life was a tragedy. What do you say as to that part of the conversation between yourself and Miss Duncan ?—I think Miss Duncan has made a mistake. I did not say my married life was a tragedy. I said there had been a tragedy in my life. We did discuss my wife. I told her I was married. She may have confused it in that way.

Did you tell her that she would probably hear from you on the following Wednesday ?—Yes, I did.

You did in fact meet her at Charing Cross at ten minutes to eight upon that night of Wednesday, the 16th ?—That was so.

Was your wrist bound up then ?—Yes.

Why was that ?—It was still swollen.

The Prisoner

And did you go with Miss Duncan to the Victoria Station Restaurant ?—That is so.

And there have a meal ?—Yes.

Did you ask her if she would come to the bungalow ? —Yes, I did.

Mr. Justice Avory : Is there anything in her evidence which this witness wants to controvert ? It is not necessary to go through the whole of it.

Mr. Cassels : I am not going through it all, but I rather want to touch upon it here and there to give the Prisoner a chance of explaining anything he wants to. (*To the Witness*) : First of all, why did you invite Miss Duncan to come to the bungalow and why did you give her that invitation upon that Wednesday? —I wanted human companionship. I was afraid to go back to the bungalow, I could not bear to go back to it.

Mr. Justice Avory : Then why did you go back ? —My Lord, I am speaking of Wednesday night now. I had been back on the Wednesday ; I did not go back between then and the time I met Miss Duncan. I felt I could not stay at the bungalow alone.

Mr. Cassels : You asked her to come there on Good Friday ?—That is so.

I do not think there is much in dispute on her evidence now. You arranged for her to come by a certain train on Good Friday. You stayed that night at the Grosvenor Hotel ?—Yes.

In your own name, I think ?—In my own name, that is so.

On the Thursday in the morning did you send a telegram to your wife from the Vauxhall Bridge Road a little after 10 o'clock ?—Yes, I did.

The Prisoner

Did you catch a train down to Eastbourne ?—I did.

I want to clear this up. Parkes, the carrier who clears away the dust, says that on the 17th April at 10 to 10.30 in the morning he saw a man in pyjamas in the Officer's House when he removed some contents of the dustbin. Were you at the Officer's House between 10 and 10.30 on the morning of the 17th April ?—No.

To get to Eastbourne Station did you from there send to Miss Duncan £4, by a telegraphic money order ?—Yes.

What did you do on that Thursday afternoon ?—I stayed in Eastbourne.

Did you go anywhere near the bungalow ?—No.

Where did you stay on the night of Thursday, the 17th ?—I stayed at the Clifton Hotel, or the Sussex Hotel.

The evidence is the Clifton Hotel in the name of " J. Waller, of Bristol " ?—That is so.

Did you go to the bungalow on the morning of Good Friday ?—I did.

What time ?—About half past 10. I had been wondering how to conceal what had happened. I knew that it was too late to speak about the events that had happened on the Tuesday night, and I determined to cut the legs off the body and put it in a trunk. I eventually did cut the two legs off and then found I could not get the body in itself, the rest of the body into the trunk——

Mr. Justice Avory : This you did on Good Friday ?—Good Friday—that is so, my Lord. I found I could not get the rest of the body into the

The Prisoner

trunk without taking the head off, to fasten the trunk up, and as I thought lock the door.

What did you do with the head when you had cut it off ?—I put that in the trunk. I next washed the blood-stain on the floor, on the carpet, just by the door, and I closed the bungalow and went into Eastbourne.

Mr. Cassels : Did you there meet Miss Duncan ?—Yes.

And did you spend the day in Eastbourne as she has told us, and eventually arrive at the bungalow at night, about 10 o'clock ?—Yes.

And did you stay with Miss Duncan at the bungalow for that night, Saturday night, Sunday night, until Easter Monday ?—That is so.

During the whole of that time did you ever touch the body ?—Not once.

Mr. Justice Avory : Did you occupy the same bedroom that you had occupied with Miss Kaye ?—That is so, my Lord.

Mr. Cassels : She has told us that on Saturday, the 19th, you went into Eastbourne by taxi-cab, left her at the station, and you went on to the Plumpton races ?—That is so.

At the Plumpton races you sent a telegram to yourself at the Officer's Bungalow making an appointment which would give some colour for your leaving the bungalow on the Monday instead of the Tuesday ?—Yes, exactly.

Did you try to do something with regard to the door of the room in which the trunk was ?—Yes, I tried to put a box lock on the door of the bedroom in which the trunk was.

The Prisoner

MR. JUSTICE AVORY: Was there any lock on it?—There was a lock on it.

You mean, to try to put another second lock on?—The existing lock on the door would not work, the lock was stiff, would not lock properly.

MR. CASSELS: Did you eventually secure the door?—I did.

Which bedroom are you talking about now?—Bedroom No. 2.

MR. JUSTICE AVORY: Where the trunk was, I understand?—That is so.

MR. CASSELS: I had in mind another bedroom, my Lord, that is why I wanted to make certain. (*To the Witness*): You secured that door and I think then you told us you left the bungalow upon the Easter Monday with Miss Duncan and went back to Richmond. I think you arrived at your home somewhere in the neighbourhood of midnight?—That is so.

Did you sleep at home that night?—Yes.

MR. JUSTICE AVORY: On Monday, the 21st, is that?

MR. CASSELS: Yes, my Lord. Where was it your intention to go upon the morning of Tuesday, the 22nd?—To the works at Sunbury.

Were they in fact open upon Tuesday, the 22nd?—No.

Did you know on the Monday that they were going to be closed on the Tuesday?—No.

What did you do upon Tuesday, the 22nd?—I came down to Eastbourne.

By yourself?—By myself.

What time?—In the early morning, getting to the bungalow before mid-day.

The Prisoner

What did you do?—I opened the trunk and I burned the head of the body. I am not sure whether I burnt the hands or feet, but I burned some other portion of the body.

Mr. Justice Avory: Mr. Cassels, having regard to the statements which have already been read, made by the Prisoner, is it necessary to go through the details of his movements after the event that we are enquiring into?

Mr. Cassels: I am going to take it quite shortly I only want to touch upon each day as to what was done, then of course the statements will speak for themselves.

Mr. Justice Avory: How does it matter which particular day some particular portion of the body was destroyed?

Mr. Cassels: I am not suggesting that it does; I have not said so either. What I am asking to be allowed to do is that this witness may, at any rate, tell from the witness-box and upon oath a complete story. (*To the Witness*): On Tuesday you burned the head and some portions of the body?—That is so.

In the course of the examination of the body of Miss Kaye the uterus is one of the organs which have been found to be missing. Do you know at all what an uterus is when you see one?—No.

Mr. Justice Avory: Do you say you do not know what an uterus is?—I know what an uterus is.

Mr. Cassels: Do you know an uterus when you see one?—No.

Where did you stay upon the Tuesday night?—I went back to Richmond.

The Prisoner

Did you stay at home ?—I stayed at home.

Did you go to the office on Wednesday, the 23rd ? —Yes.

And the following day ?—And the following day.

When was the next day you went to the bungalow ? —On the Saturday.

Did you again dispose of some portions of the body in the same way ?—In the same way.

You mean by burning ?—Burning, yes.

Did you return home on the Saturday night, or where did you sleep on Saturday night. You stayed at the Sussex Hotel, did you not, on the Saturday night ?—On Saturday night, yes.

On Sunday did you return to the bungalow ?—Yes.

Engaged in the same task ?—Yes.

Including the boiling of some portions of the flesh, and did you on that night make a journey as far as Reading ?—That is so.

And stayed at the Great Western Hotel at Reading ? —That is so.

On the Sunday did you deposit your bag at the cloakroom at Waterloo Station ?—Yes.

Was it upon the 2nd May, when you called at the Waterloo Station cloakroom for your bag, that you were arrested ?—The 2nd May, yes.

Then I think the rest of the story is common ground. You agree, do you, with the evidence which has been given in this case as to statements made and as to the movements from the 2nd May ?—Quite.

You do ?—Yes.

I want to ask you just one or two other questions : Did you desire the death of Miss Kaye ?—Never at any time.

The Prisoner

Was that knife that was bought at Staines shop ever used by you in the bungalow at any time for any purpose ?—Yes, it was.

For what purpose ?—It was used for carving chicken and cutting meat—cooked meat, as a carving knife.

Used in fact as a carving knife ?—As a carving knife.

Was that knife ever used on Miss Kaye's body in the bungalow ?—Never.

You agree, do you, that the saw was used ?—The saw was used.

But not the knife ?—Not the knife.

In the bungalow ?—In the bungalow.

Did you use that knife actually in the train ?—That is so.

In portions of your statement you give the incident ?—That is so.

The Court Adjourned.

The Prisoner

FOURTH DAY, FRIDAY, JULY 18, 1924.

PATRICK HERBERT MAHON, *re-called. Cross-examined by Sir Henry Curtis Bennett.*

I want you to tell me when it was, as near as you can fix it, that you first made the acquaintance of Miss Kaye ?—I saw Miss Kaye in the early part of 1923 at Robertson, Hill & Co.

At that time did you speak to her ?—Yes.

About business ?—She was acting as Secretary to Mr. Hobbins.

About business ?—Yes, about business.

When was it that you first of all went out with her away from the business premises ?—About August.

Where did you go upon that first occasion ?—To Staines.

Were you fond of her at that time ?—I liked Miss Kaye, yes.

Did you have connection with her that very first time you went out with her—the first time that you took her to Staines ?—That is so.

You mentioned your wife yesterday. How long have you been married ?—Fourteen years.

From August onwards, from that first day that you took Miss Kaye out, did you have connection with her from time to time ?—Quite.

Were you fond of her ?—I liked Miss Kaye.

Is that all that you will say ; is that the only answer you can give to that question ?—I was fond of her.

I suppose from August onwards she would call you " Pat " and you would call her " Peter " or some other nickname ?—That is so.

The Prisoner

When was it that you say she first suggested some deal in francs ?—About November.

Do you say that you gave her the sum of £125 ? —I did.

In November ?—Not all in November.

I want to know a little more about this deal. How much did you give her first of all in regard to any deal in francs ?—I gave her three or four sums making up £125. The first amount I think was either £50 or £70.

When was that ?—I cannot fix the date but about November.

In November ?—Some time in November, I think.

What was the next sum ?—Probably £30.

Do you not remember ?—Not exactly.

These were large sums of money to you, were they not ?—Not necessarily.

But in fact were not they large sums of money for you ?—Fairly large.

You and your wife were living in one room, were you not ?—We were living in a bedroom—in November, that is true— No, we had two rooms in November ; we were living in Church Road in November.

In January you moved to Pagoda Avenue and you were living from then onwards in one room ?—We were sleeping in a bedroom. We were living in a boarding-house in which we had access to the dining-room and sitting-room.

Were not these sums of £50 and £70 large for you ?—Fairly large, yes.

What was the third sum ? About £70 the first, £30 the second. What was the third sum ?—£20 or £30.

The Prisoner

That makes £120 to £130 ?—That is so.

What was the fourth sum ?—There was no fourth sum.

I thought you said there were four. Do you tell me three ?—I cannot say exactly. I know it was three or four sums making £125.

You cannot tell the Jury what those different sums were composed of now ?—I think the first one was £70 and the other two were in two small sums, I think.

That was practically all you had got at that time, was it not ?—Not all I had got ; it did deplete my banking account.

Did you take sufficient interest in this deal, if it ever took place, to find out what price francs were at this time ?—Yes.

Do you remember what price francs were at that time ?—No, not the exact figure.

Do you remember approximately what price they were ?—I think at the time they were in the region of 90.

Mr. Justice Avory : Does that mean November ?

Sir Henry Curtis Bennett : When you say at that time about 90, do you mean November or December or both ?—I should say both.

Did you from time to time take notice of whether you were losing or winning as a result of the deal you say you had ?—No, I left it entirely to Miss Kaye.

You are a business man ?—Yes.

Did you ever enquire from her at what price she had bought francs with your £125 ?—I did mention the matter to her once or twice.

The Prisoner

Did you ever ask her at what price she had bought francs with your £125 ?—No.

Really ?—Quite.

Did you ever enquire from her as to where she had bought these francs ?—She told me that she bought them in London.

London is a large place. Did you ever ask her where she had made this purchase of francs for you ?—Yes, I did.

What did she say ?—She purchased through a bank.

Through her bank or a bank ?—Through a bank.

Do you really tell the Jury that when you asked her where she had purchased these francs you did not ask her what price the franc was standing at, what the price of the franc was when she bought it ? —No, I did not.

You absolutely trusted her ?—I did.

In February she gave you a £100 note ?—That is so.

Was that on account of the sale of some of these francs ?—No.

What was that on account of ?—Part of my capital.

She could not get the capital back till she had sold the francs ?—The arrangement I made with Miss Kaye was this, that I should put up £125, she should do the same, and she should watch the markets and sell and buy with the £300 or the £250, and at that time I said to her : " I want some of my money back."

So, according to your story, in February you got practically the whole of your money back but you repaid her £30 or £40 ?—That is so.

The Prisoner

So you handed £40 back; that would be the most, would it not?—Yes.

Either £30 or £40. In February you get £60 of your £125 back?—That is so.

You thoroughly trusted her?—Quite.

Why did you put a false name and address on the back of the £100 note which you received from this lady whom you thoroughly trusted?—I have already said that I thought that she might possibly have some reason which I could not see concerning my wife.

I want to give you every opportunity to give me an explanation, if you can, as to this false name and address. Is that your only explanation, that you thought that she might possibly have some ulterior motive which you could not see?—Quite.

That is the whole of your explanation, is it?—Quite.

Do you remember where it was that she gave you that note, the first note?—Yes.

Where?—It was on a Saturday night.

That is not where?—On a Saturday night, it was Maxim's Restaurant.

Were you and she alone?—Yes.

Did you enquire from her then as to how your deal was doing and what price francs were?—I did not enquire the price. She said the deal was going fine.

Do you really mean to tell me that having given this money in November or December, getting £100 back, of which you gave her £40, you did not ask her what the profit was up to date?—No, I did not.

The Prisoner

When was the next note handed to you, according to your story ?—Within two or three weeks, or possibly a month.

Where ? I want you to think about this. Where was it handed to you, the second note ?—I think she gave it to me before we went to Bournemouth, but where, I cannot say.

It was a large sum of money, was not it, a £100 note ?—Yes.

You were struck with the size of the note yourself ? —I was.

Cannot you tell us a little more of the circumstances under which you say that was given you ?—Well, presumably at dinner. The only chance Miss Kaye and I had of intercourse together was by having dinner in Town. I never went to the Club, or anything like that, and she never came to my home.

Do you say it was when you were out at dinner one day ?—Most probably.

Did you ask her for a return of more of your money ? —No.

She volunteered it, did she ?—Yes.

And said : " Here is another £100 on account " ? —That is so.

Do you say you handed any of that second £100 note back to her ?—Yes.

You never said so before in any of your statements, have you ?—I think I did in one of my statements.

The second £100 ?—Yes, I think I said in one of my statements that the same procedure was adopted.

How much do you say was handed back out of the second £100 note ?—£40.

The Prisoner

Any enquiry upon this occasion as to how the deal was going ?—Miss Kaye volunteered the information.

Going very well ?—Going very well.

You were quite satisfied with that ?—Yes.

Quite satisfied to receive the money but not satisfied to put your own name on the back of the note. Is that right ?—That is right.

If your story is correct that would make £120 which you had had back ?—That is so.

Did I understand you to say that you thought the ulterior motive was that she was trying to drive a wedge between you and your wife ?—Yes.

That was what you thought it was ?—Yes.

When was the third £100 note handed to you ?—On the Monday or the Tuesday, either April 14th or 15th.

You are not sure which ?—It was while we were at the bungalow, because Miss Kaye had run short of money and I had about £20, I suppose, with me, and she said : " When you are in Town you can cash this."

If your story is true she was going up to Town with you, too ?—Quite.

If your story is correct she was going up, too ?—That is so.

Can you explain why she should hand over to you a £100 note to change ?—Well, I do not know about explaining it, she did it.

Did you give her £20, do you say ?—I had been paid—yes, I gave her some money on the Saturday.

You said a moment or two ago that she had run short of money and you had about £20 with you ?—That is so.

The Prisoner

Do you mean by that answer that you gave her about £20 ?—No, I gave her some of the £20, about £5 or £10.

It was to come out of the £100 note that she was handing you to cash. £5 or £10, you say you gave her ?—Yes.

What else ?—She had a little book in which she had a résumé of the whole transaction.

Did she have that with her down at the bungalow ? —She did.

What happened to it ?—I do not know.

Did you destroy any things of hers afterwards, any papers of hers ?—No.

You do not know what became of it ?—I do not. She totalled up that there was £80 profit due to me.

Francs, in your view, being about 90 in November and December, by April she totalled up that with an outlay of £125 your profit was £80 ?—Quite.

You follow that that means, do you not, you were making a profit of two-thirds on your outlay, and if francs were at 90 it means they must have gone to 150 for you to have made that profit.—The franc fluctuated between November and April.

Did you ask her how that £80 profit was arrived at ?—No, she just simply told me that the result of the transaction, of the speculation, was £80 profit.

I have not got a note of it, but I daresay my Lord has. My recollection was that you mentioned the sum of £37 10s. yesterday in connection with this third £100 note as being your profit ?—I have no recollection.

I will have it looked up.

The Prisoner

MR. JUSTICE AVORY: I have no note of £37 10s. What the witness did say was this: "The third £100 note was given me on the 14th April and represented the balance due to me after deducting expenses, which we had agreed to share at Southampton and Eastbourne."

SIR HENRY CURTIS BENNETT: I am much obliged to your Lordship. (*To the Witness*): How much did those expenses come to?—About £20.

That note in fact was cashed by you on the 17th April, was it not?—On the Thursday, yes.

Very shortly after Miss Kaye's death?—Yes.

At the Bank of England?—At the Bank of England.

With a false name?—With a false name.

The third false name?—The third false name.

No ulterior motive then in existence?—No ulterior motive.

No?—Miss Kaye had died.

Was it for the purpose of hiding the fact that you had had Miss Kaye's money that you put a false name upon the back of that note?—I certainly did not wish that note to be traced to me.

Was it to hide the fact that you had had her money that you put a false name on that note?—The idea in my mind was that I did not want the note to be traced to me.

Was not that the idea in putting the false names on the other two notes as well?—Quite.

It was?—Quite.

Did you have any more money from Miss Kaye?—No.

None at all?—No.

The Prisoner

Will you just look at Exhibit 40? (*Handed.*) Was that found on you?—Yes.

Does that say this: "1805.85 francs, plus 1 Casino franc"?—Yes.

Is that in Miss Kaye's handwriting?—Yes.

Had you also in your possession in an envelope 1805 francs. Look at Exhibit 39. (*Handed.*) Had you?—I do not know the exact amount; I had some francs in an envelope.

Where did you get those?—They were in Miss Kaye's trunk.

The price which is suggested on Exhibit 40 of the exchange is 75, is it not?—It says 75 here, yes.

It says "at 75"?—Yes.

You understand what that means, do you not?—Quite.

1805.85 francs plus 1 Casino franc at 75. That is the rate of exchange?—Exactly.

That is another £24, a fraction over?—Yes.

When did you take that out of her trunk?—After her death.

Did you know that she had purchased 7,400 francs with a £100 note?—No.

Did she never tell you?—She told me she had transferred her money or some of her money to a French bank.

When did she tell you that?—On Tuesday, April 15th, in the morning.

Was that because you and she were intending to go to Paris?—She had asked me to go to Paris.

You did not want to go?—No.

She had asked you to go abroad?—Yes.

You did not want to go?—No.

The Prisoner

She had pressed you, had she, to go to Paris ?—Yes.

Or to go abroad ?—Yes.

Mr. Justice Avory : What was the place abroad ?

Sir Henry Curtis Bennett : Where abroad ?—Africa, she had in mind.

South Africa ?—South Africa.

Cape Town ?—Cape Town, I think.

Did she not say ?—I do not think she meant to stay in Cape Town.

Did not she say she wanted you to go with her to Cape Town ?—Yes.

As I understand your story—tell me if I am wrong—she was continually pressing you to take her to Paris, or to Cape Town, or to South Africa somewhere ?—At that time, yes.

By " that time " you mean the end of March or the beginning of April ?—Yes.

Did you know that she was pregnant ?—No.

I put that once again to you so that there shall be no mistake about it. I am going to put some further questions. Do you tell my Lord and the Jury that you had no idea at the beginning of April that Miss Kaye was in fact pregnant ?—I do.

You had been having connection with her since the previous August ?—Yes.

Mr. Justice Avory : You put it at the beginning of April ?—

Sir Henry Curtis Bennett : I will put it earlier than that.

Did you know during March and April that she was in fact pregnant ?—No, I never knew she was pregnant.

The Prisoner

Was it not because you knew that she was pregnant that you were suggesting to her that you would take her to Paris and to South Africa ?—The suggestion is entirely false.

You mean by that that you did not make it ?—I did not make it.

You went to Southampton on the 27th March ?—Yes.

You may take that date from me.—Yes.

And stayed that night at the hotel in Southampton with her ?—Yes.

On that day it has been proved—you have heard it—that a ring was bought ?—Quite.

Do you say—I want to know—that sleeping that night with Miss Kaye at Southampton, the night when that ring had been bought, you never saw it ?—I do.

That this lady having bought a diamond and sapphire ring and staying the night and sleeping with you, never showed it to you ?—That is so.

Did you not know that that ring was purchased so that she could show her friends at the Green Cross Club that she had an engagement ring ?—At that time, no.

Although it was purchased that day you never saw it that night ?—That is so.

That is what you say ?—That is so.

Mr. Justice Avory : Next morning ?

Sir Henry Curtis Bennett : Did you see it next morning ?—No, nor the next morning.

Not at all ?—Not at all.

You dined with her, you slept with her, you had breakfast with her ?—Yes.

The Prisoner

What time did you go back next day ?—Before noon ; I was back in the offices by mid-day.

The lady in possession of a new diamond and sapphire ring, just having bought it that day, you never saw it at all, she never showed it to you ?—That is quite so.

When did you discover she had purchased the ring ?—She showed it to me in the week after she came back from Bournemouth.

That would be between the 31st March and the 7th April ?—Yes.

Did you know where she had purchased it ?—No.

Did you know why ?—She told me.

Why ?—For the purpose of giving out to her friends at the Club that she was engaged to Pat Derek Patterson.

Did some girl or girls at the Club know some of your business acquaintances ?—I think there was one girl, I do not know her name, but I think she had an acquaintance with one of the clerks at Robertson, Hill & Co.

And was not it for that reason that you told Miss Kaye to give your name as Pat Derek Patterson ?—I did not tell Miss Kaye to give my name as Pat Derek Patterson.

Miss Warren told my learned friend Mr. Cassels in cross-examination that Miss Kaye had told her the reason why her fiancé's name was to be Pat Derek Patterson, that there was a girl at the Club who knew some of your business acquaintances, and, so that she should not discover it was you, this false name was to be used ?—That is what Miss Warren said.

The Prisoner

Do you say that is false ? Did you tell Miss Kaye to say that her fiancé's name was Pat Derek Patterson ?—I have already said no.

But you did know that there was a girl at the Club who knew some of your business acquaintances ? —I knew this, that Miss Kaye had told me that one of the girls of the Club knew one of the clerks in Robertson, Hill's ; but she did not know me and I I did not know her.

When was it first suggested by Miss Kaye, according to your story, that you should take a bungalow ?— The question was discussed before she went to Bournemouth.

Were you still fond of Miss Kaye in March ?— I liked Miss Kaye tremendously.

At any rate, you were still having connection with her ?—Quite.

After she went to Bournemouth ?—Quite.

Just tell me again. Why do you say she was asking you to take a bungalow. What was her reason that she gave you ?—She said that as things were, with the limited opportunities she had of showing her affection and love, it was essential from her point of view that she had a chance of acting as a wife in every sense of the word to me, and her idea was that by having a holiday for some time together alone, she doing everything, she could convince me by her attention and devotion that I could be happy with her.

What was your intention ?—How do you mean, what was my intention ?

I will try and put it clearer. You say that that was her intention. What was your intention in

The Prisoner

falling in with the arrangement, if she made it to you ?—We had discussed this matter so often. Miss Kaye reproached me with being cold. I liked Miss Kaye tremendously. Mentally, she and I were very, very happy, quite good friends, and my idea was that if we lived together I should act as a husband so far as physical intercourse, and that sort of thing, but I should convince her, if we had this week or fortnight together, or whatever time we agreed, and that she would realise that she could not possibly keep or expect to keep my affection as I did not love her sufficiently, and I thought she would discover it.

If that was so why did you not say to her : " I cannot ever see you again and connection between us must stop " ?—I did say it.

You did ?—Yes.

I want to understand what your case is. Is your case that you were really being seduced by this lady from your wife ? Is that your case ?—It might be so put.

Mr. Justice Avory : Do not say : " It might be so. " You are asked whether it was so.—I said it might be so put.

Sir Henry Curtis Bennett : I do not only want to put it, I want to know the answer. Is your case that this unmarried lady was seducing you away from your wife ?—Yes.

Did Miss Duncan seduce you away from your wife ? —Of course not.

Now I understand your case. The seduction by Miss Kaye of you from your wife was becoming repugnant to you, was it, and you wanted to stop it ?—I wanted to keep friends with Miss Kaye.

The Prisoner

Do you mean to say you wanted to go on having connection with her ?—I should have been content without that.

And so your case is that you fell in with this suggestion that you should take a bungalow so that you could convince her that you did not love her ?—Love her sufficiently well to do what she wanted, yes, quite.

I do not want to unduly press you about it, but I am trying to get what your case is. Did you love her well enough to go on having connection with her ?—I liked her sufficiently well for that ; at the same time, if she had been content, as I wished, to remain intellectual friends (if you like) I should not have demurred, I should have been pleased.

You had never been merely intellectual friends. You told me the very first occasion you ever went out with her you had connection with her ?—That is so.

Do you really then tell me that if you could have remained intellectual friends with her that is all that you wanted ?—I should have been quite content with that.

MR. JUSTICE AVORY : Will you ask whether I understood the witness to say that the arrangement was that they should live together in this way for a week or a fortnight ?—

SIR HENRY CURTIS BENNETT: Is that so ?—She suggested a week or a fortnight, or at any rate, a few days together.

MR. JUSTICE AVORY : Which was it ? You said just now a week or a fortnight.—She suggested a week or a fortnight. We ultimately arranged I should

The Prisoner

stop at the bungalow from the Friday till the Tuesday, and that was in fact altered on the Saturday because I could not get down on the Friday.

Do you say that four days was to be the test for this purpose ?—Exactly.

Sir Henry Curtis Bennett : Therefore you took the bungalow for two months ?—I took the bungalow for two months.

And agreed to pay 3½ guineas a week for it ?—True.

Was that to be paid out of her money ?—No.

Do you say that Miss Kaye suggested to you that you should take this bungalow in a false name ?—She did.

Do you go even so far as to tell the Jury that, having said that you should take it in a false name, it was Miss Kaye who suggested the name of Waller ?—I do.

Are you sure of that ?—I am.

When did she say that to you ?—Either on the Tuesday which would be the 1st April, or Friday, the 4th April—on either of those two days. It would be on the 1st, no doubt.

On the 1st April ?—Yes.

What did she say to you ?—We were speaking on the telephone and she called my attention to the advertisement in "Dalton's News." I said I would go and see it—this was at Whitstable—and I said to her : "I suppose I take this in my own name, Peter."

You wanted to take it in your own name, did you ?—Yes. She said : "You can take it in your own name or you can take it in another name if you like." I said : "Well, what name am I ?" So she said : "Waller."

The Prisoner

So that Miss Kaye was not only seducing you from your wife, but calling you Patterson at the Club, and inventing a new name for you to take the bungalow in ?—Yes.

Were not you taking all these false names so that you could not be traced ?—No.

Why take them ?—Miss Kaye suggested it, that is all.

You were the victim of Miss Kaye's suggestion ?—Yes.

Did you ever use the name of Waller before the 1st April ?—No.

Did you have to give a reference to Mr. Muir ?—Yes.

Who did you give ?—I gave some name—I do not know—some name in Birmingham.

I want to know, who did you give ?—I forget the name.

Do you forget the name ?—Yes.

Was this name of a reference given by you of your own volition, or do suggest Miss Kaye suggested this ?—Of my own volition.

Just think. Who was the person that you gave, and what was the address ?—The address was a hotel in Birmingham ; the name I forget.

I do not know whether I can help you at all about this. Was the name Douglas Horsfall ?—That is the name.

Described as Managing Director of Eastons Ltd., of Birmingham ?—Yes.

Invention, was it ?—Pure invention.

So that although, according to you, Miss Kaye suggested you should call yourself by the name of

The Prisoner

Waller, it was you who invented Mr. Douglas Horsfall, Managing Director of Eastons Ltd. ?—Quite.

There is no such person ?—Not to my knowledge.

Is there ?—Not to my knowledge.

So the bungalow is taken in the name of Waller. Did I understand correctly yesterday when you said that your wife at that time was and is ill and that you wanted to kill two birds with one stone, and when Miss Kaye had finished your wife was to go there ?

MR. JUSTICE AVORY : His words were : " When this love experiment with Miss Kaye had finished."

SIR HENRY CURTIS BENNETT : That is how it started. Then I think it went on as I put it ?—Yes, that is so.

How long did you think it was going to take to finish the love experiment with Miss Kaye ?—All that I intended to do with Miss Kaye was to stay there over the week-end.

One week-end ?—One week-end, the time we had arranged.

And at the end of that what were you going to do ? —It was my intention to tell my wife that I had taken the bungalow and that she should come down there and take a holiday.

As Mrs. Waller ?—That would have been inconvenient ; it would have meant making a clean breast to my wife.

It would have been inconvenient, would it not, to have taken your wife down to the bungalow where you had given the name of Waller ?—Yes.

Do you tell us that is what you intended to do ?— That is so.

The Prisoner

Why this visit to the bungalow at all when you had made up your mind that upon the following Wednesday you were going to tell your wife and take her down there as Mrs. Waller. Why the visit with Miss Kaye at all ?—I did not intend to take down my wife as Mrs. Waller. I did not say so either.

Then let me ask you. Would it not have followed that she would have had to have gone there as Mrs. Waller ?—Possibly.

You were known first of all to the Muirs as Waller ?—Yes.

You were known to the post as Waller ?—Yes.

You were known to the shops as Waller ?—Yes.

Would not she have had to have gone down there as Mrs. Waller if she went as your wife ?—Not necessarily. I was only known to one shop, and Mr. and Mrs. Muir were in Town, never down there.

Mr. Justice Avory : Supposing a letter came addressed to Waller, Esq., what would your wife say to that ?—I should have told my wife—it was my intention to make a clean breast to my wife.

Sir Henry Curtis Bennett : What I want to understand is, if you have got an explanation, why go at all with Miss Kaye ?—Because I had promised.

Weakness on your part ?—Weakness on my part.

Because it would have been quite easy to say to her : " This cannot be a success, I know, and therefore I cannot go with you."—Of course, that would have been the strong line to take.

According to your story you had got to take a much stronger line upon the following Wednesday, had you not ?—Quite.

The Prisoner

The line upon the following Wednesday was : " I have taken this bungalow in a false name because I have been down here with a lady who is not you " ? —Yes.

That would have had to be your story ?—Yes.

If you had gone to her before you took the bungalow you could have taken the bungalow in your own name and told her about it ?—Exactly.

All done, Mahon, under the influence of Miss Kaye ? —Exactly.

Just look at that. (*Handed.*) Just look at the address and hand it back to me. Is that your handwriting ? There is no doubt about it, is there ?—That is my handwriting.

Does Douglas Horsfall exist ?—Not to my knowledge.

Did you write this : " To Douglas Horsfall, Esq., c/o J. Waller, Esq., Officer's House, Pevensey Bay " ? —I did.

When ?—The date is on there.

I know it is ; I want to know whether you can remember when.—The 17th, I think.

The 17th of what ?—April.

Did you post it ?—Yes.

When you were at the Grosvenor Hotel ?—Yes.

Two days after you say Miss Kaye died ?—True.

You say it was the 15th, do you not ?—Yes, it was the 15th.

" Dear Joe, See you Monday, 11, Jim." That is what you wrote. Would you like to refresh your memory about it ? That is correct, is it not ?—Yes, that is so.

The Prisoner

It is dated inside and post-dated outside ?—That is right.

The 17th April. Why did you write that ?—I honestly forget.

I am sure my Lord will give you a little time to think about that, because I suggest to you it is most important.—It was in connection with some reference for Mrs. Muir.

Just think about it and tell us why was it, after you had possession of this bungalow, after you had paid the deposit upon the bungalow, after you had stayed at the bungalow for three or four nights, why was it, after Miss Kaye's death, you were writing c/o yourself to a man who did not exist ?—It was necessary to obtain a reference for Mrs. Muir. I had given a name and I had given the first name that came to my mind, a false name and address in Birmingham, and if my recollection is right I wrote that letter to myself at the bungalow so that I could obtain the letter which had been sent on to Mr. Horsfall to Birmingham from Mrs. Muir and re-posted from the hotel in Birmingham to the post office at Hastings.

Mr. Justice Avory : That is a little complicated.

Sir Henry Curtis Bennett : I am afraid I do not understand that explanation at all. It may be that I am at fault.—Possibly I have put it wrong ; I will put it again.

Put it again.—I had given the name Horsfall as a reference to Mrs. Muir. I did not know anyone of that name. I had given an address in Birmingham, I am not sure whether it was the Queen's Hotel or the Grand Hotel, it was one of those two, and I

The Prisoner

think I wrote to the Queen's or the Grand Hotel asking them to send that letter for Mr. Horsfall to the post office at Hastings.

MR. JUSTICE AVORY: In what name did you write to the hotel ?—I was writing in the name of Horsfall. I believe I did write from the Grosvenor Hotel.

SIR HENRY CURTIS BENNETT: "Please send on any letters for me" ?—That is so.

Where at ?—Addressed to the post office, Hastings, if I remember right.

How was this going to help to send a letter to Pevensey Bay ?

MR. JUSTICE AVORY: Do I understand you mean in order that you might answer any letter which Mrs. Muir had written to Horsfall ?—Not necessarily to answer the letter, my Lord, but to get the letter Mrs. Muir had written to Horsfall for the reference. She said it was purely formal.

If she received no answer she would be naturally curious, would not she ?—She said it was purely formal and I did not think she would be curious.

Do you mean she would write for a reference and receive no answer and be satisfied ?—That was the impression I gained.

SIR HENRY CURTIS BENNETT: Then why want to get the letter back ?—It would be returned to her.

To stop it going back to her ?—That was all.

Then you wrote to yourself at the bungalow ?—Quite.

Were you going to present that letter-card at the Hastings post office and say——?—"Any letters for Horsfall," yes, quite.

The Prisoner

Of course, this was not suggested by poor Miss Kaye, because she was dead ?—Yes.

Mr. Justice Avory : She did not suggest you should sign it " Jim " ?—Oh no, Miss Kaye was dead at that time.

Sir Henry Curtis Bennett : Up to the 15th April all these false names and addresses you were carrying out at her suggestion, but after that of course you were responsible for them, were you not ?—I do not know about all the names.

I thought you told us that the taking of the bungalow in the name of Waller was her suggestion ? —Yes, quite.

And that you were only taking the bungalow for that purpose ?—You said " all the names."

Let me confine it to the name of Waller. Everything in relation to the bungalow and the false name in relation to the bungalow was her suggestion ?—Quite.

Now to go to another matter. From the 7th April Miss Kaye, you knew, was at the Kenilworth Court Hotel ?—Yes.

On the 11th April you went down for the purpose of taking possession ?—That is so.

When you went down to the bungalow were you given by Mr. Muir an inventory of the cutlery there ? —No.

Were you not ?—No.

Were you shown by Mr. Muir—did he pull open a drawer and show you the cutlery ?—Yes, he did.

Mr. Justice Avory : Is this on the 11th April.

Sir Henry Curtis Bennett : On the 11th April ? —Yes, that is so.

The Prisoner

Did not Mr. Muir give you a list of the cutlery ?—He did not.

Was *that* in fact found by Detective Officer Thompson upon you ? (*Handed.*)—That is right.

Take it in your hand. Is not that a list in the handwriting of Mr. or Mrs. Muir of the cutlery ?—Yes.

What did you mean a moment ago that there was no list of cutlery given to you ?—Exactly what I say. There was no list given me.

Where did you get this from ?—From the bureau on the Saturday along with a list of instructions—telephone numbers.

Mr. Justice Avory : Then you are swearing by the card, as it is called. When you were asked whether a list was given to you, did not you know that what Counsel wanted to know was whether you had in fact a list of cutlery ?—The question was put : Did I receive a list on the 11th, the date is important.

Sir Henry Curtis Bennett : The Jury have heard the way you answered that question. Do you swear that you got this from the bureau upon the 12th ?—I do.

What time of day ?—It would be in the evening.

And you had seen the cutlery upon the 11th ?—I had glanced at it.

Was there a carving knife amongst the cutlery ? Was *that* the carving knife ?—That is the knife, that was among the cutlery, yes.

Would you describe that as a carving knife ?—Yes.

I am going to put this question once more to you so that you can answer it ; Mr. Muir is here. Did

The Prisoner

not Mr. Muir himself hand to you this list upon Friday the 11th ?—No, he did not.

In addition to the carving knife was there also *that* bread knife ?—There was a bread knife.

MR. JUSTICE AVORY : Those had better be marked.

(*The list, carving knife and bread knife were put in and marked Exhibits* 103, 104, *and* 105, *respectively.*)

SIR HENRY CURTIS BENNETT : Did you or did you not stay at the bungalow on the night of the 11th April ?—I did not.

MR. JUSTICE AVORY : You have finished your questions about that list ?

SIR HENRY CURTIS BENNETT : For the moment.

MR. JUSTICE AVORY : I should like to ask one question : Why did you take that list away ? It was found upon you, we understand, upon arrest ?—Yes, that is so.

Why did you take that list of the cutlery away ?—I asked Mr. Muir when I went on the 11th was there an inventory. We had some discussion ; he said there is a list, and he just pulled open the drawer and said : This is the crockery and cutlery and things like that. He said : There is a list, and there is also a list of other things, and those will be on the bureau.

My question was : Why did you take that list away which was found upon you on arrest ?—I took that list because I also had in my possession the agreement relating to the bungalow, and that is part of the agreement.

SIR HENRY CURTIS BENNETT : You say you did not stay at the bungalow on the night of the 11th ? —I did not.

Mr. Justice Avory

Prisoner says that this letter which I have just read signed "P." was written by the deceased woman on the Tuesday night, and that it was the final cause of the quarrel and subsequent disturbance which took place between them. He says that the deceased woman wrote it out and asked him to sign it. There is no explanation which has been given, and I am unable to suggest one to you, of the letter commencing "Dear old Phiz"; there is no evidence whether this man Oakes was ever called by that name. I think it may be—I think the learned Counsel for the Prosecution suggested that it probably is—another letter intended for Miss Warren; but, however that may be, Prisoner says that he declined to sign it. You may think it right to look at the letter "P" with which this letter is signed, and compare it with the other letter, which is undoubtedly in the handwriting of the deceased woman, and which is signed "Peter," and say whether you think that the "P" which is there is in the handwriting of the deceased or whether it is in the handwriting of somebody else. It obviously is different; it obviously does not appear to have been written at the same time, or with the same pen, as the rest of the letter, and that is why I say there is some mystery still about that letter. Whether it is that the Prisoner himself put that "P," and did sign it with that letter "P," or what is the explanation of it, I am unable to suggest to you. There are those two letters, dated one of them "Monday," and the other dated "14th April," and the Prisoner says that it was that letter dated "14th April" which was the immediate cause of the disturbance

Mr. Justice Avory

which took place between them, which resulted in her death. If that letter was really written on the 14th April, then her death took place on the 14th April. As I have said before, it is immaterial, for the purpose of this case, whether it was on the 14th or the 15th, but it may be material when you are considering whether you can attach any credibility at all to the story which has been told by the Prisoner, who in the first instance, on the 2nd May, said that her death took place on Wednesday, the 16th, and subsequently altered it to Tuesday, the 15th ; it may possibly be of some assistance to you in determining, as I have said, whether you can rely upon anything he said as to what took place between them. According to the Prisoner, the quarrel took place on the evening of the 15th, after they had been to London, and after he had deceived her by pretending that he was going to get a passport for them to go to France together, first of all telling her that he has got it, and then, when they are in the train, or before they got into the train, telling her that he has told her a lie, and that he has not got any passport and does not intend to get one. According to him, they quarrel on that subject, but more or less make it up, and they arrive at the bungalow. Then he says that when he finally refused to sign this letter this woman suddenly became like an infuriated tiger. I will read you in his own words the account which he gave of what happened. He says : " We caught the 8.35 train to Eastbourne, arriving at the bungalow at about half-past ten. On the way she again spoke of the passport. I told her I had not been, and we quarrelled over it. She pleaded with me to get it. I refused, and

The Prisoner

Did you buy a lock ?—I did not.

Did you ask for a lock ?—No.

What you did buy was the knife and saw, Exhibits 58 and 59, which have been produced ?—That is so.

When did you remember that you bought that knife and saw upon the 12th April ?—Not until my statement was read in Hailsham Police Court.

Did you remember—I will not put it in that way—Did you make up your mind to say that you had bought the knife and saw upon the 12th April after you had heard the evidence which was called at Hailsham Police Court from the Staines Equipment Company ?—I do not quite follow.

You heard four witnesses, Mr. Stoner, Mr. Frankcon, and two ladies give evidence from the Staines Equipment Company, at Hailsham ?—Yes, I did.

They said, and produced the invoice and so on, that you purchased those articles upon the 12th April about 1 o'clock ?—Yes.

Was it then you decided to say you had bought them at that time ?—When my statement was read I told my Solicitor.

When you made a statement to the Police on the night of the 2nd May did you intend to tell the truth ?—I did.

Did you say this : " I came up to London on the morning of the 17th April and returned to Langney on Thursday night, 17th April, fairly late, taking with me a knife which I bought at a shop in Town, in a shop in Victoria Street, I believe it was at Staines' shop. I also bought at the same shop a small saw. When I got back back to Langney I was still so

The Prisoner

excited and worried that I could not then carry out my intention to decapitate the body. I did so on Good Friday." When you told the Police that, were you under the impression you were telling the truth ?—I was.

Did not that quite clearly mean, and did not you intend to mean, you bought that cook's knife and saw upon Thursday, 17th April, for the purpose of decapitating Miss Kaye's body ?—As it reads.

Is not that what you intended ?—I do not think so.

I do not want there to be any question about this. Let me read it to you again and the Jury can form their opinion about it. " I came up to London " —that is after she was dead ?—Yes.

I will read the line before : " I put the body in the spare room and covered her up with her fur coat. I came up to London on the morning of the 17th April and returned to Langney on Thursday night, fairly late, taking with me a knife which I bought at a shop in Town, in a shop in Victoria Street, I believe it was at Staines' shop. I also bought at the same shop a small saw. When I got back to Langney I was still so excited and worried that I could not then carry out my intention to decapitate the body. I did so on Good Friday." Did you intend that the Police should understand that you came up that day and bought a knife and saw for the purpose of disposing of this body ?—No, I did not.

What did you intend ?—I intended to tell them the whole truth of the circumstances as I remembered it, and the circumstances in which that statement was made were unusual. There were mistakes regarding the dates.

The Prisoner

I am going to draw your attention to one or two ? —Mistakes regarding one or two things which could only have been made by someone in mental agony at the time.

I want to point it out to you again, and I will leave it. This is quite a clear statement. There is no alteration ; it was read over by you, was it not, and initialled ?—Yes.

And signed ?—Yes.

You made a number of alterations ?—Quite likely.

This is quite a clear statement, is it not, that that knife and saw were bought after the death of Miss Kaye as you put it, for the purpose of disposing of her body ?—On the face of it, it is, yes.

Did you buy that knife and saw having in your mind the purpose for which they were going to be used ?—Of course not.

The knife was bought, do I understand you to say to my Lord and the Jury, as a carving knife ?—Yes.

The saw, do I understand you, was bought as you thought it might be useful in taking off or putting on a lock ?—Yes, I had in mind that.

That is the only thing you had in mind ?—Well, it was a cheap thing and it would come in handy for any purpose in a house of that sort.

So you went down on that 12th April with a cook's knife and a saw ?—That is so.

When you made your statement on the 2nd May you were telling the Police that you bought these, or inferring, as you agree with me, that you bought those for the purpose of getting rid of the body ?— It is all so futile, when you come to think of it. This is the position : the knife and the saw were bought

The Prisoner

by me for an innocent object. The name was on the knife. I told them the name of the shop and I told them I bought the saw. It is utterly absurd for a man to try and confuse the dates. Put it that way. It was done innocently.

MR. JUSTICE AVORY: It was a cash transaction, was not it ?—Yes.

SIR HENRY CURTIS BENNETT: No name given. Did the knife happen to be not left at the bungalow but in the bag which you had deposited—the knife was the one that had the name on it ?—The knife.

Not the saw ?—No.

Did the knife with the name on it happen to be in the bag which you left at Waterloo Station ?—Yes, it was.

Not left at the bungalow ?—Not left at the bungalow.

I am not going to trouble about the 12th and 13th April any further except to get from you that upon both those nights you and Miss Kaye occupied the front bedroom, on the left-hand side of that model from where I am.

MR. JUSTICE AVORY: There is one question I should like you to ask as to the witnesses who were called before the Magistrates from the Staines Equipment Company, whether they were not each of them cross-examined by the Solicitor for the prisoner.

SIR HENRY CURTIS BENNETT: Were the witnesses who were called from the Staines Equipment Company cross-examined by Mr. Mayo—of course, upon your instructions ?—Yes.

Do you remember the answer of Mr. Stoner when he was cross-examined by Mr. Mayo: "I was in a

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hurry to get away on the 12th April. The sale took about five minutes. Nothing called my attention to the sale until about the 13th May " ?—Yes, I remember that.

Was the suggestion which was then being made that this sale had not taken place on that day ?—No.

The 13th you spent at the bungalow with Miss Kaye ?—The Sunday, yes.

Was she pressing you take her to Paris and to South Africa ?—Not on the Sunday.

On the Saturday ?—Not on the Saturday.

Nothing was said about what you say had been so much discussed beforehand, on the Saturday and Sunday ?—It was in abeyance.

And upon the 14th you went with her into Eastbourne and she went upon that day to the Kenilworth Court Hotel and fetched a parcel ?—Yes.

That night was she pressing you as to Paris upon the Wednesday ?—She spoke about it, I think, on the Monday night.

Did you see the letter, Exhibit 43a ? (*Handed.*) You posted that, did you not, on the Wednesday. You see the postmark, 16th April, 10.15 p.m. South-Western district. That would be where the Grosvenor Hotel is ?—Yes.

You read it before posting it, did you not. When you went back on the Wednesday morning, according to your story, you found two letters ?—That is so.

You read it then, did you not ?—Yes.

Just keep it in your hand. " Kenilworth Court Hotel, Eastbourne."

Mr. Justice Avory : When first did you read it ? —I think it was on the Wednesday, my Lord.

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SIR HENRY CURTIS BENNETT: On the Wednesday morning?—Yes.

"Kenilworth Court Hotel, Eastbourne. Monday. Dear old Fizzy"—you knew who that was, did not you?—I never heard Miss Warren called "Phiz."

You had heard her addressed as "Fizzy" had not you?—No.

MR. JUSTICE AVORY: It is "Phiz," is it not?—Phiz.

SIR HENRY CURTIS BENNETT: Did not you know she was called "Phiz"?—No.

You heard her tell us in the box her nickname was Phiz?—Quite.

You knew she was Miss Kaye's best friend?—Well, I knew she was a pal of Miss Kaye's.

A great friend of Miss Kaye's?—Yes, shared her bedroom occasionally.

Do you really tell us, having been on these intimate terms with Miss Kaye ever since last August, and talking of the girl with whom she shared a room, she had never mentioned her name as "Phiz"?—She had not mentioned her name as "Phiz"—always Miss Warren.

At any rate you knew her name was Phiz upon Wednesday the 16th?—Yes.

"Dear old Phiz"—so you knew to whom the letter was written, obviously?—Do you mean from this letter?

Yes?—Quite.

"Dear old Phiz, Very many thanks for sending on the parcel. Apparently you are up in Town this week-end—I wonder if Fred is up with you. Pat"—that is you?—Yes.

The Prisoner

——" arrived intact, but his arm in a sling, on Saturday and we are having a very nice time—quiet—but a nice change from Town. He particularly wants to get to Paris for Easter and would like you and Fred to come and have dinner with us when we return to Town, which we shall have to do for a few days in about a fortnight before setting out on our final journey. This will probably suit you both better, too, at any rate I hope so and shall look forward to seeing you then. Any news? We are returning from here Wednesday and going straight over to Paris. Gay old Paris. All news when we meet. Love to all my pals at the Club and lots to yourself, old thing. Yours ever, Peter. P.S. If any more letters or anything should come will you send them to me care of Poste Restante General Post Office, Paris." Is all that letter quite untrue when she is saying that you were desirous of going to Paris? Was she, upon that Monday the 14th, telling you that she wanted to go to Paris on the following Wednesday?—Yes.

And that is why she had transferred £100, was not it?—I do not know how much it was.

It has been proved to be 7,400 francs. which was bought with £100?—So far as that goes, yes.

You knew, did you, that she at any rate was pressing to go to Paris?—Yes.

And either you had got to leave her or she was going to Paris upon the Wednesday?—Yes.

Of course, as it happened she was dead before the Wednesday?—Yes.

Are you sure that it was on the night of the 15th April that she met her death?—Quite sure.

The Prisoner

Upon the morning of the 15th April Durrant called from the Sussex Stores ?—Yes.

Did you hear what he said, that he knocked at the back door and could get no reply ?—Yes.

That he knocked at the front door and could get no reply ?—Quite.

That he saw nobody in the bungalow and as he went away you ran after him and stopped him ?—I did not run after him.

That you called out after him and stopped him ?—Yes.

Was Miss Kaye alive at that time ?—Yes.

Where was she, do you remember ?—Yes, in the bedroom.

What time upon that morning do you say that you and Miss Kaye went to Hastings ?—Between 11 and 12.

How did you go there ?—By train.

Where from ?—One of the stations, Pevensey Bay Halt, or Pevensey Bay, I forget which.

Where to ?—I think we went straight to Hastings or St. Leonards, I am not sure which.

Where did you lunch ?—At a hotel, I think it was the Queen's Hotel.

I just want you to think about this, because I am going to suggest that this story about the 15th did not happen. I want to test it a little bit, and it is right that you should have in your mind what I am going to suggest about it. Which hotel ?—I think it was the Queen's Hotel ; it is an hotel on the front coming down from the station on the right. It may be the Queen's, I do not know.

The Prisoner

You got there about half past 12 or so—you said between 11 and 12 ?—About lunch-time.

Did you walk about after lunch ?—Yes.

Did you have already written out in your pocket, do you say, the two telegrams ?—Yes.

Exhibits 46 and 51. You had written those out, had you ?—Yes.

Just look at Exhibit 46, will you. (*Handed.*) That is to Miss Duncan, is it ?—Yes.

We know quite well the terms of it now : " Charing Cross to-morrow sure Pat " ?—Yes.

Had you made up your mind then, that morning before you left the bungalow, that at any rate you were not going to Paris the next day ?—Quite.

Did you tell Miss Kaye so ?—No.

Did you leave her thinking there was a chance that you were going ?—Yes.

Why ?—I thought it was the easiest way out of it, to save her rounding on me.

You knew Miss Kaye fairly well and you were on very intimate terms with her. Was not she a very good-tempered girl ?—Yes, she was good-tempered.

You say you wrote them at the bungalow ?—Yes.

Do you know where the Post Office is in Hastings ?—Near the station.

About a quarter of a mile from the station, is not it ?—I cannot say.

About 400 yards from the station. Did you pass it on the way to the station ?

Mr. Justice Avory : Do you mean to the station ?

Sir Henry Curtis Bennett : When you went to the station to go away by train, you say you caught

The Prisoner

the 3.45 train up, did you pass it ?—I suppose we did.

If your story is true that you went up by the 3.45 train that day and passed the Post Office, why did you not send these telegrams which were in your pocket ?—Obviously Miss Kaye would have seen them.

So you handed them to a porter ?—I did.

Where ?—Outside the station.

There are not a great number of porters at Hastings station, are there ? It is not long ago either. Do you know whether any enquiries have been made to see whether there is any porter who remembers being handed two telegrams to send off on the 15th April ?—I do not know.

You handed them to a porter outside the station ?—That is so.

And gave him a tip, I presume ?—I gave him half-a-crown.

That might impress it upon his mind ?—There were two telegrams and a sixpenny tip.

You mean half-a-crown with the telegrams and a sixpenny tip ?—Yes.

You say you went up with the 3.45 ?—I did.

If you sent these telegrams yourself and handed them in at 3.40 you could not have caught the 3.45, could you ?—I would not say that.

It would have been very difficult, would it not. Am I right in saying the 3.45 arrived in London at 6.34, if it was punctual ?—Something after 6.

I suggest it is a thing to be tested so easily. Will you not take it from me that the time it is due is 6.34 ?—Yes, I will take it from you.

The Prisoner

Then you leave Miss Kaye for an hour ?—Yes.

And you had gone up to get a passport ?

MR. JUSTICE AVORY : You mean pretending.

SIR HENRY CURTIS BENNETT : Pretending that you were going to get a passport ?—That is right.

At 7 o'clock in the evening ?—Yes.

And you arranged to meet Miss Kaye in about an hour ?—That is so.

You do not know where she went ?—No. I understood she went to the Club ; she told me she went to the Club. Then you had some dinner, is that right ? —Yes, we had some dinner.

And then you say you caught the 8.35 down ?—Yes.

Which my friend elicited yesterday arrived at 10.16, if it was punctual ?—Yes.

Assuming it was punctual, that would get you out to the bungalow about half past ten ?—About half past ten.

How long do you think all the writing of her letters and the conversation that went on when you got back took ; how long do you think it was before you say she threw an axe at you ?—It would be about 12 o'clock ; I suppose.

And as I understand your story now, you did not realise for certain that she was dead until about daybreak ?—That is so.

Is this what you told the Police. First of all having said it was midnight, did you afterwards alter it and say " The time we quarrelled at the Langney Bungalow on the night of the 16th "—you altered that to the 15th—" would be between 9 and 10 p.m." ?—Yes.

The Prisoner

—"and not midnight as I have stated ; it was nearer 10 o'clock. It was 10.30 when I realised that she was dead " ?—Quite.

How did you come to say that, if the story you told us yesterday is true ?—It is so easy to ask that question. Had you been through the experience when that statement was taken down you would not ask that question.

You had said midnight ?—Yes.

And were altering it quite sensibly by saying : " Not midnight as I stated before ; it was 10.30 " ?—Quite. There was another alteration about the date there. An alteration to the 15th ?—Yes.

Was that account wrong which I have just read to you, that the quarrel took place between 9 and 10 and that you realised she was dead by 10.30 ?—That is wrong ; it was about 12 o'clock.

Have you ever said in any statement to the Police until you gave your evidence yesterday that you had fainted ?—Yes, I think so.

You lost consciousness, in your second statement, for a few minutes, you say ?—I said a few minutes. How could one say.

I want to know. Do you suggest to the Jury now that you fainted twice and then found it was daybreak ?—No, I do not say that, nor did I say so yesterday.

Not that you fainted twice ?—No.

Did you say yesterday that you had fainted twice ? —I did.

And that it was nearly daybreak when you realised for certain she was dead ?—Yes.

The Prisoner

What do you undertsand by the expression " seeing red "—when you lose control of yourself ?—Not necessarily.

You give us your definition of what it means ?—One gets angry.

Would it be right to say that you saw red during this struggle with Miss Kaye ?—I saw many things besides red.

I dare say. Did you see red ; did you lose control of yourself ?—No, I do not think so.

Do you remember saying to the Police : " It hit me a glancing blow "—that is the coal axe—" then I saw red " ?—I have read it in my statement ; I do not remember saying it.

Getting back to the bungalow about half past ten, I understand you to say you wanted to light a fire ?—I lit the fire.

Was it laid ?—Yes, partly laid.

You wanted to do that because you wanted to heat some milk ?—Quite.

I just wanted to get the positions where you say you were. You fetched the coal cauldron ?—Yes.

Where did you put it, do you remember, in the sitting-room ?—Just by the door.

Would the armchair be therefore between the fireplace and the coal cauldron ?—No, the coal cauldron would be behind the chair.

The other side of the chair from the fireplace ?—At the back of the chair.

On the other side of the chair from the fireplace ?

Mr. Justice Avory : He says at the back of the chair.

The Prisoner

SIR HENRY CURTIS BENNETT: Supposing *that* is the fireplace, *there* would be the chair, and at the back of the chair the coal cauldron?—I cannot see the position. Could you do it with the model?

Certainly. *There* is the fireplace, *there* is the armchair. You place the coal cauldron *there*?—Between the chair and the wall.

There?—Yes.

MR. CASSELS: Ask him if he agrees with the position of the chair.

SIR HENRY CURTIS BENNETT: Was the chair in about that position?—No.

Where would you put the chair?—The chair had been disturbed. I had been sitting in that chair in front of the settee and when I got up from the chair the chair was somewhere near the door, and the coal cauldron behind it.

And having got up from that chair did you sit on a small chair by the table?—Yes.

Was Miss Kaye still the other side of the table?—Miss Kaye was on the settee.

Where did you fetch the axe from?—The axe was already in the fireplace.

And, as I understand, you having broken a lump of coal with, I suppose, the blunt end of the axe?—Yes.

You carelessly put it on to the table?—That is so.

The table where she was writing?—Yes.

Although it was, according to you, in the fireplace when you broke the coal over the fire in your hand like *that*?—Quite.

And then instead of just putting the axe down in the fireplace you put it on the writing table where she was writing?—Exactly.

The Prisoner

MR. JUSTICE AVORY: What is the size of the table; what sort of size is the table?—It is a fairly big table.

SIR HENRY CURTIS BENNETT: A round table. That shown in the model is about the right size in proportion to the room?—Yes.

Having carelessly put the axe down there, there was some conversation between you then as to some definite course of conduct being agreed upon, you told us?—Yes.

Can you explain this to me: "The cause of the quarrel occurred in this way. I had arranged with Miss Kaye to do certain things, but my better nature prevailed."—Quite.

What does that mean?—Well, it meant that I was not going on, that I determined to return to Town.

According to your story you never had arranged to do anything else?—I had arranged with Miss Kaye to make this love experiment, as she called it.

You said, only to stay till Tuesday?—Afterwards it had been altered to staying till Wednesday.

"I had arranged with Miss Kaye to do certain things"?—That is in my first statement, I know.

I will read to you what is in the second one in a moment. I want to see if you have any explanation of this, what you meant by doing certain things?—The whole of that phrase is covered in detail in my second statement.

I will read to you what you said in the second statement: "Soon after arrival Miss Kaye having taken off her coat and hat suddenly startled me with the expression on her face which appeared extremely determined. She sat down and wrote one or two

The Prisoner

letters which I did not read but which she said were more or less committing me and herself to a definite line of action. She also asked me to write to the Assistant Secretary of a function of which I am the Honorary Secretary, stating that I was giving up the work and stating also that we were going overland to Paris for a time and then on to South Africa. I refused absolutely to write such a letter and felt that matters had come by now to a crisis. She, however, fumed and raged and finally wrote the note herself and begged me to sign it, again I refused."

Is that true so far ?—Yes, quite true.

This girl whom you say was a good-tempered girl was fuming and raging ?—Up to that time she had been good-tempered.

" She actually commenced to sign but stopped and again implored me to write a letter or a similar letter to some of my near friends in connection with that tournament and also some of my friends in a private capacity. This appeared to anger Miss Kaye beyond endurance and she suddenly picked up a weapon—an axe—a coal axe—and threw it at me, it struck me on the shoulder and glanced off and hit the door of the bedroom breaking the shaft. We then were in the front sitting-room. I felt appalled at the fury she showed and realised suddenly how strong the girl was. She followed "—and so on. That is the account, is it ?—Yes.

This axe hit you on the right upper arm ?—Yes.

One blow ?—Yes.

Not four blows ?—No suggestion of four blows.

I only asked that for another reason. A glancing blow ?—A glancing blow.

The Prisoner

It is a heavy axe, we have felt the weight of it ?—I do not know what you mean by " heavy."

Do you say it hit the door, *this* door here ? Is that the door it hit ?—I do not know whether it hit the door or the framework, I cannot say.

Either the framework of the door or the door ?—It hit some portion of the door or framework.

By the framework, you mean round *here ?*—Yes.

And in such a way that it broke the handle ?—Broke the handle.

Mr. Justice Avory : The door into the bedroom ?

Sir Henry Curtis Bennett : The door into the bedroom. What did you do then ?—I said yesterday what I did.

I want to know what you did directly after that axe was thrown ?—As the axe was thrown it hit me—I got it as it was being thrown, and I turned, I suppose, and Miss Kaye followed it up by leaping across the room. I closed with her.

In a sudden paroxysm of rage ?—Yes.

You grasped her throat too. She grasped yours, you say ?—That is so.

Any marks upon your throat, were there ?—There were marks ; no bruises, but there were scratches.

How long did they last ?—Two days.

Would it be correct to say that you really do not know whether you strangled her or whether she died of the fall ?—That is correct.

That is correct ?—Quite correct.

Did you hit her on the back of the head with an axe ?—No.

The result of what happened in that room was that this poor girl was dead ?—That is so.

The Prisoner

On the eve of the day when, according to you, she had made up her mind to go to Paris with you. Is that right ?—She had made up her mind, yes.

And you had made up your mind that you were not going, had not you ?—That is so.

Mr. Justice Avory : As I understand it, you had made up your mind to that effect by the Monday or Tuesday morning ?—That is so, my Lord.

Which is it, the Monday or Tuesday, or before ?—Or before. I had no real intention to go to Paris at any time.

Then before you ever went to the bungalow on the 12th you had made up your mind not to carry out this scheme ?—I had not arranged to go to Paris before going to the bungalow.

You told us that she thought she was going to Paris, and that you were going to Paris with her ?—She thought so, yes.

Do I understand you had made up your mind that you were not going to Paris with her prior to Monday the 14th ?—I never actually agreed with her that I should go to Paris, before the 12th or at any time.

Can you say when you had made up your mind that you would not go to Paris ?—I made up my mind definitely on the Tuesday, on the 15th.

Sir Henry Curtis Bennett : Not before ?—Not before.

Mr. Justice Avory : And at what time on the Tuesday did you make up your mind definitely ?—I made up my mind definitely in the morning, although I had agreed to go for the passport in the afternoon.

The Prisoner

You had made up your mind definitely on the Tuesday morning that you were not going with her ? —That is so.

Then why did you take her back to the bungalow on Tuesday night ?—Because she said she would not go.

Because what ?—Because we had a little quarrel when we were having dinner at Victoria that evening. I said : " Look, Peter, I think we will finish this and I will stop in Town to-night." She said : " I will go back to the bungalow alone." And now Sir Henry puts it that I went back with her that night.

Sir Henry Curtis Bennett : I did not know of this conversation at dinner. Do you really tell us at dinner you had said to Miss Kaye that you did not want to go back to the bungalow and again she was forcing you against your will to go ?—That is so.

Is that what you really say ?—I do say it.

You had that morning made up your mind you were not going to Paris whatever happened ?—That is so.

You know she had made up her mind, at any rate upon the Monday, that you were going to Paris and afterwards to Cape Town, from the letter which you had read ?—She had made up her mind. I never saw that letter till the Wednesday.

You know now she had made up her mind on the Monday, by that letter ?—I know now.

You had made up your mind you were not going under any circumstances ?—Quite.

And it was when matters were in that position, she thinking she was going and you having made up your mind under any circumstances you would not

The Prisoner

go, that you say she met with this unfortunate accident which caused her death ?—That is so.

And you had made up your mind on the Wednesday to tell your wife all about it, you told me a little while ago this morning. Is that right ?—Yes.

There were people living in these bungalows behind you ?—Yes.

There was a telephone in the bungalow on which you had paid a deposit ?—Yes.

Mr. Justice Avory: The telephone was in working order, was it ?—Yes, it was in working order.

Sir Henry Curtis Bennett: If you had made up your mind to tell your wife next day, you had nothing to be afraid of as to the knowledge that you were at this bungalow with this girl, had you ? No fear of your wife finding out, because you were going to tell her next day. That is right, is it not ?—That is right.

And having made up your mind and having therefore no fear of your wife finding out, why did you not communicate with somebody at once when you saw that Miss Kaye had, according to you, received these injuries ?—It is such an easy question and yet such a hard one.

I know, and I want to know what the answer is ?—I cannot answer.

Can you give no answer ?—I can give no answer. I lost my head, that is all.

Having lost your head you left the body of this unfortunate lady in the No. 2 bedroom. Is that right ?—Yes.

And went up to London to keep your appointment with Miss Duncan ?—Yes.

The Prisoner

And came back to Eastbourne on Thursday the 17th ?—That is so.

What time ?—In the afternoon.

You said yesterday you did not go to the bungalow that day. One of the Bambridges says he saw you at about 9 o'clock that night close to the bungalow and that he drove you back to Eastbourne ; is that right ?—I think he did see me near the bungalow ; I did not go to the bungalow.

You went near it, did you ?—I went near it.

And upon the Friday you went out there early ? —Yes.

You told us yesterday that you then decapitated the body. Is that all you did on the Friday ?—I severed the legs and the head.

What did you do that with ?—The knife and saw.

The cook's knife ?—Yes.

What knife ?—The knife which has been shown.

Mr. Justice Avory : The carving knife ?

Sir Henry Curtis Bennett : *This* knife ? (Exhibit 104)—Yes.

Why this knife ?—For the reason perhaps you know, Sir Henry.

I should like to hear it ?—It is this. Miss Kaye had used with me the other knife, the chef's knife, the cook's knife, and I picked *that* knife.

That is what you say—and the saw ?—And the saw.

Having done that, as I understand, you took no steps to dispose of any of the body that day ?—No.

But slept the Friday, Saturday and Sunday nights in the same front bedroom with Miss Duncan, with the body of Miss Kaye next door ?—Yes, that is so.

The Prisoner

I am not going through the details of the disposal of the body. Did you notice what wound there was upon Miss Kaye's head ?—No.

You know, of course, the common expression that if a woman is pregnant she is in trouble ?—Yes.

It is quite a common expression, is not it ?—Yes.

Do you say you had no idea that Miss Kaye was pregnant ?—Yes, I do.

Had she never told you so ?—Never told me.

Mr. Justice Avory : Do you mean there was never any conversation between you on the subject ?—Miss Kaye had never mentioned pregnancy, my Lord.

You do not answer my question. In these intimate relations between you do you say there was never any conversation on the subject of her becoming pregnant or being pregnant ?—Not being pregnant or becoming pregnant.

Neither ?—Neither. Perhaps I misunderstand you. We took precautions to prevent pregnancy. To that extent we had conversation, but to my knowledge Miss Kaye never mentioned to me that she was pregnant. That is what I mean to say.

Sir Henry Curtis Bennett : Would you just look at Exhibit 75. (*Handed.*) I do not want to trouble you with much of it, but do you see " On the 12th April "—quite early in the statement—" I met her at Eastbourne and we went to the Langney Bungalow, just outside Eastbourne. I stayed with her there until Thursday, 17th April. On the previous day, Wednesday, we came up to London to see some friend." Then there is " She was in trouble " scratched out ; " and posted some letters." Can

The Prisoner

you explain that ?—Yes, quite easily. When that statement was being made it was queried at once by Mr. Savage that she was in trouble, and I said immediately . . . .

What do you say ?—It was queried by Mr. Savage, when that expression was used that she was in trouble, that I meant in trouble in the common acceptation of the term. I said : " No, I do not mean that at all." He said : " What do you mean ? " I said : " What I meant was that she was in trouble with some friend at the Club." It was some little trouble between them, that is what I meant.

Did you say this to Mr. Savage, what you are telling us ?—Yes.

He was never asked about this at all. That is what you tell us you meant. " On the previous day, Wednesday, we came up to London to see some friend "—you did use the expression " she was in trouble " ?—Apparently I did.

I thought you just told me you did and that then Mr. Savage said : " What do you mean " ?—I did.

You did use the expression " she was in trouble," but what you meant was she was in trouble with someone at the Club ?—That is what I meant.

You have heard Sir Bernard Spilsbury's evidence ? —Yes.

That at the mouth of the uterus there was a clean cut and that the uterus itself is missing ?—Yes.

Is that pure coincidence ?—Pure coincidence.

Exhibit 22, the Gladstone bag. Do I understand your story to be that what you took up in that was only boiled flesh ?—Yes, it was boiled flesh. Some was boiled more than others.

The Prisoner

There was a great deal of blood upon the rags, was there not ?—Yes, on the rags.

Do you still say you burned the head ?—I not only say I burned the head, but I did burn the head.

In which room did you burn the head ?—In the sitting-room.

The front sitting-room ?—This sitting-room here.

How long do you say it took ?—I cannot say ; six hours, probably.

Are you not clear upon the matter at all ?—I am clear that I burned the head.

Are not you clear about the time ? This was a terrible thing you were doing. Did you not realise how long it took ?—If you knew the circumstances in which the head was burned—I can only say burned—I could not even stay in the room while it was burning.

I want to test this story of yours a little. You say it took six hours ?—I think about six hours.

Did you say to Sergeant Frew : " I burned the head in an ordinary fire. It was finished in three hours. The poker went through the head when I poked it." Do you remember saying that ?—No, I do not remember saying that.

And what was left you put into the dust-bin. Is that what you say ?—No, what I actually did with the remains of the head was to take the bones out of the fire grate and break them up and put them on the dust-tray, not the dust-bin.

" The next day I broke the skull and put the pieces in the dust-bin " ?—I meant the dust-bin in the scullery.

The Prisoner

That we know, has been examined and we have had the results of that ?—I did not leave them there.

Where did you put them ?—I broke them up very small and threw them away.

You did not do that with the bones of any other part, did you ?—Bones of the other parts were thrown away.

You have heard Sir Bernard Spilsbury's evidence. Were not they left either in the ashes in the different rooms or in the dust-tray in the scullery, the other bones ?—That was simply because I had not been down to the bungalow for a week.

Where did you throw the bones of this most important part of the body, the skull ?—I threw them about over the garden wall. They were tremendously small bones.

Where were they thrown ?—They were thrown on the shingle around the house.

What did you break them with ?—I broke them with my hand like *this ;* after they came out of the fire they would just break like that.

I suggest to you that that would be impossible ?—Your suggestion is entirely wrong, Sir Henry.

I may have leave to recall Sir Bernard about it ? —That is a thing which I know.

You broke them with your hands ?—I broke them with my hands.

Mr. Justice Avory : Very small pieces, you say ? —Very small pieces.

Sir Henry Curtis Bennett : Did you break up any of the bones of the other parts of the body and throw them out over the wall ?—No What other bones there were were burned.

The Prisoner

And left ?—Left simply because I had not finished.

Did not you burn some other parts of the body when you burned the head, the same day ?—I think I burned one of the feet or the two feet.

Did you break up those bones ?—No.

Only the bones of the skull ?—Only the bones of the skull.

And that was done upon the 22nd April, on the Tuesday, was it not ?—On the 22nd, yes ; I burned the head on the 22nd.

You burned the head and the feet and the legs in the same grate ?—I do not think I burned them all together ; it is obviously impossible.

No, but on the same day ?—I did not mean that I burned them all on the same day.

Just listen. " On that day (22nd April) I opened the trunk and burnt the head in the sitting-room grate. I next burnt the feet and legs in the same grate. I came back to Town either late Tuesday night or Wednesday morning." Did not it mean you burnt them the same day ?—Yes.

And yet although you had burnt these other parts of the body, the feet and legs, the only part that you destroyed altogether by throwing it away were the bones of the skull ?—I destroyed parts of the legs altogether by throwing bones away.

Did you ?—Of course I did.

By throwing the bones away ?—By throwing the bones away.

Where ?—Out of the train.

Threw the bones out of the train ?—Yes. You know perfectly well all the bones have not been found. There is one leg missing.

The Prisoner

I thought the only thing you had in the Gladstone bag was the boiled flesh. Were there bones too ?—There were one or two bones.

Did you take the head away in that bag to Reading ? No. It seems so futile. I burnt the head in the kitchen grate, and it took the best part of an afternoon to do it.

Mr. Justice Avory : In which ?—In *this* grate, not the kitchen. This is the only grate I did it in.

Sir Henry Curtis Bennett : But you used other grates to burn parts of the body ?—I know I did, but that is the biggest fire. The reason I used other grates was for speed—fires going in two rooms together.

I think there is only one other matter I want to ask you ; I ought to have asked you before : You say that you saw the letter which was inside the sealed envelope ?—Yes.

Mr. Justice Avory :—Exhibit 43 ?

Sir Henry Curtis Bennett : Exhibits 42 and 43. (*Same handed to the witness.*) I want to see if I understand what you say about that. Having seen that letter do you say you had some conversation with Miss Kaye about it ?—Yes.

And she said to you : " I want you to write a letter of that sort," to the gentleman whose name was on the envelope ?—She asked me to sign this letter originally.

It starts : " Dear old Phiz " ?—I know.

Do you really mean that Miss Kaye that night, besides being in this paroxysm of rage was also in the sort of mood that she was writing a letter to

The Prisoner

a strange man beginning " Dear old Phiz " ?—It might sound strange to you, but that is what happened.

And that she then said to you : " Call him anything you like " ?—I refused to sign the letter.

And then she said : " Call him anything you like but write to him " ?—Exactly.

MR. JUSTICE AVORY : We have not yet heard who this man is.

SIR HENRY CURTIS BENNETT : Who is this man ?—I mentioned yesterday he was the Assistant Secretary of the Richmond Bowls Tournament of which I was the Honorary Secretary.

MR. JUSTICE AVORY : He was an existing person at that time ?—Yes, Miss Kaye knew of him.

SIR HENRY CURTIS BENNETT: Had she ever met him ?—She had seen him.

Had she ever met him—you know what I mean by that—to know him ?—No, not to my knowledge.

MR. JUSTICE AVORY : Was he ever called by this nickname ?—No. I think I commented that it was so absurd to address him as " Dear Old Phiz," because he is a solemn sort of individual.

SIR HENRY CURTIS BENNETT : It was an extraordinary thing for a lady like Miss Kaye to do, was it not ?—Yes, I know.

Just let us read the letter which you refused to sign. This is what you said you understood she was writing. " Dear Old Phiz. I am sorry I shall not after all be able to see you before my departure." That must have struck you as most extraordinary to a person she had never met—" You can imagine there has been a lot to do and I have not been able to see quite a lot of people before packing up. We

The Prisoner

shall be travelling overland through France and Italy en route for the Cape. On our arrival there I will write you fully regarding prospects and other matters in general, but I really wish to thank you in this letter for all the kindness and good friendship you have shown me in the past. One cannot put into words just what one feels, but I am sure if I say just this, that you will understand and appreciate just what is in my mind. Any letter addressed to me c/o The Standard Bank, Cape Town, will find me but as I said in an earlier part of my letter, I will write you fully on my arrival. With every good wish, Believe me, Yours ever, P." Do you really tell the Jury that reading that letter you thought that that was a letter from Miss Kaye to the man whose name is upon the envelope which was found in your pocket sealed up ?—She said it was.

Do you really say that she said this ?—She passed this letter over to me and addressed the envelope and said : " Sign this letter, Pat."

Was it not signed then ?—No, it was never signed.

It is "Yours ever, P.," is it not ?—"Yours ever, P." Yes. Miss Kaye started to sign the letter herself. That was the cause of the quarrel ; this is the letter which caused the whole trouble.

Mr. Justice Avory : Let me see that. (*Handed.*)

Sir Henry Curtis Bennett : She was called Peter ?—Yes.

You called her Peter always ?—No, not always.

You have used the name many times in what you have narrated.

Mr. Justice Avory : Is that " P " in her handwriting ?—Yes, that is so, my Lord.

The Prisoner

Are you quite sure of that ?—Quite.

Sir Henry Curtis Bennett : You are sure of that, are you ?—Quite sure.

And you never knew that "Phiz" was Miss Warren ?—No, not until the following day.

It was because you would not sign that letter written in those terms to a stranger by Miss Kaye that you say the quarrel started ?—Or write a letter in similar terms ; that is how the quarrel started.

For that reason this lady—whom you agree was a good-tempered lady ?—She was up to that period.

Up to that moment ?—Up to that moment.

Suddenly went into a paroxysm of rage and . . . ?—No, I will not say up to that moment.

Up to whenever you like ?—You have had it in evidence.

Up to when ?—Up to the same day.

Re-examined by Mr. Cassels.

I want you to answer one or two questions in re-examination. You were speaking about your wife and yourself occupying one room. You said you were living in a boarding-house. How much were you paying a week at the boarding-house ?—£2 15s. each per week, I think.

You have been asked a lot of questions about the speculation in francs, as to the exchange value and the amount of capital that was available. What was the nature of the speculation, as you understood it ?—Miss Kaye had, as I understood it, special knowledge regarding the probable course of the exchange and I left the matter entirely to her.

The Prisoner

Did you know what would be the number of francs sold or bought ?—No, I never bothered.

Or how it was done ?—Nor how it was done.

Or how many transactions there were ?—Nor how many transactions there were.

Was there anything ever said about cover, or anything of that sort ?—No.

Were you at any time during any of the discussions ever willing to go abroad with Miss Kaye ?—No.

Or to have left your home here or your business ?—No.

You have been asked about the bungalow and the test for four days. What were you going to do with the bungalow for the rest of the time after the four days, or this experiment ?—I was going to bring my wife down, with my child, and I should come down week-ends. That was my intention.

You were asked if all the false names which were used by you were the suggestion of Miss Kaye. Were the false names put upon the Bank Notes your own invention ?—Purely.

Each time that you cashed any note you put on a name of your own selection ?—That is so.

You were asked about that list of cutlery which was in your possession. At the time when you were arrested were you on your way back to the bungalow ?—Yes.

And of the two months' tenancy which you had taken, there were still some weeks to run ?—That is so.

You were asked about mistakes in your first statement. You said you were in mental agony at the time?—Yes.

The Prisoner

From what we have heard from the Police it took from 10.30 till 2.30. Were you able to make this statement from start to finish without any halt ?—No.

Have you any desire in making that statement, to mislead us, to keep anything back ?—Not in any way.

Questions have been asked you about the mistake that you made with regard to the date that the purchase of the knife and the saw took place. You said you told your Solicitor about the mistake. Can you tell us when that was that you told your Solicitor ?—When the statement was read at the Police Court at Hailsham.

Was the statement read at the opening of the Police Court when evidence was really substantially taken ?—Yes.

That would be, I suppose, on the 22nd May ?

Sir Henry Curtis Bennett : That is right.

Mr. Justice Avory : Mr. Cassels, the evidence of Inspector Savage in which he produced this statement appears to have been taken on the 5th June.

Sir Henry Curtis Bennett : I understand that in fact this statement was opened upon the 22nd May by Mr. Sefton Cohen, who was then appearing for the Prosecution.

Mr. Cassels : And a copy supplied to the Defence ?

Sir Henry Curtis Bennett : Yes.

Mr. Cassels : Frankcon and Stoner are two of the witnesses who speak to this matter ?—Yes.

Did you ever give to your Solicitor any instructions at all to question the evidence of Mr. Stoner or Mr. Frankcon as to the date when the purchase was made ?—Yes.

The Prisoner

To question the date ?—Not to question the date, no.

Did you hear any question in cross-examination put which questioned them or raised any dispute as to the date of the purchase ?—No.

You were asked about Exhibit 43A, the long letter starting : " Dear old Phiz," the one which was in fact posted by you on the 16th April and post-dated Monday ?—Yes.

When do you say that that was in fact written ?—On the Tuesday.

Would you just explain the positions occupied by the furniture in the sitting-room upon the night when Miss Kaye met with her death ?

MR. JUSTICE AVORY : You had better say if there is anything incorrect, first of all, in the position in which they now are ?—Yes ; the occasional table should be nearer the fire ; the settee should be nearer and almost against the table ; the easy chair should be more standing out from the wall into the centre of the room ; as it is there it is almost touching the wall.

MR. CASSELS : At what angle to the wall ?—Sideways—almost parallel with the wall.

Which part of the chair parallel with the wall ?—The front portion.

Do you mean facing the wall. If anybody sat down in that chair as it was in its position as it was on that night, on the Tuesday, at which wall would they be looking if they looked straight from the chair ?—*Here.*

The end where the window is ?—Facing the side of the house.

The Prisoner

MR. JUSTICE AVORY : I do not see the least importance in it.

MR. CASSELS : I wanted to get that portion of the evidence. Now will you point out where the coal cauldron was ?

MR. JUSTICE AVORY : He has said behind the armchair. That is what you said, is it not ?—That is so, between the armchair and the wall.

MR. CASSELS : And how far from the door ?—Close to the door.

MR. JUSTICE AVORY : Near which door ?—The door leading to the passage, just by the chair.

MR. CASSELS : You said you had made up your mind on the Tuesday morning you would not go to Paris. When did you communicate that decision to Miss Kaye ?—Not until the evening.

Had you said that you would ?—Not in so many words.

What had you said to her with regard to that matter of going abroad ?—I had refused to go abroad.

And with regard to going to Paris ?—I said I would take out a passport when I went to London. I would go to the passport office for a passport for Paris.

Had there been any decision one way or the other communicated by you to Miss Kaye ?—No.

I want to ask you another question with regard to the night when you saw that Miss Kaye was dead. Why did not you communicate with neighbours or by telephone with anybody else, or with your wife ?

MR. JUSTICE AVORY : He has been asked that question already and said he could not answer.

The Prisoner

Mr. Cassels: He said something more: "I lost my head." I want him to explain that.—When I saw Miss Kaye lying there, being so friendly as we were, it seemed such a terrible thing for Peter to die. I cannot explain, I lay in a stupor.

You told us about the burning. Was there any burning before the 22nd April?—No.

When, after the 22nd April, was there any burning?—Not until the following week-end.

That would be the Saturday?—The Saturday.

After the Saturday how many days altogether was there any burning?—On three days altogether.

Tuesday, the 22nd, Saturday, the 26th; and which other day?—The following week-end.

Was the letter, Exhibit 43, written at the same time as 43A, both of them addressed to "Dear old Phiz"?—Yes.

Mr. Justice Avory: They were written about the same time?—About the same time, my Lord.

Mr. Cassels: Was there an envelope written for No. 43?

Mr. Justice Avory: There is an envelope corresponding to that—Exhibit 42.

Mr. Cassels: That has been said to be in the handwriting of Miss Kaye?—That is so.

What was it that led up to that letter No. 43 being written by Miss Kaye?—The Tournament was a big thing to me, and she wanted me to give up the work, and she felt, I think, that that was one of the big bars, the chief obstacle in the way of my going with her.

Was there any discussion about your writing a letter to Mr. Oakes on that Tuesday night?—Yes.

The Prisoner

MR. JUSTICE AVORY : He said she wanted him to sign this.

MR. CASSELS : Would you have signed a letter starting like that, " Dear old Phiz," to Mr. Oakes ? —No.

You told us that that was the letter which led up to the trouble ?—Yes.

When you said you would not sign that letter what did Miss Kaye do ?—She became very angry.

When you would not sign the letter to Mr. Oakes ——?—She pleaded with me to sign it or to write such a letter.

MR. CASSELS : My Lord, I now want to ask one question which does not strictly arise out of the cross-examination : how far it was from the bungalow to the sea. Perhaps some other witness can tell us ?

MR. JUSTICE AVORY : Perhaps he can tell us ?

THE WITNESS : Not more than a quarter of a mile, my Lord.

MR. JUSTICE AVORY : Do I understand that both these letters, 43 and 43A, were written on the Tuesday evening ?—Both on the Tuesday evening.

After your return from London, at the bungalow ? —At the bungalow.

One of them is dated Monday ?—Yes.

And the other is dated the 14th April ?—Quite.

So that if you are right Miss Kaye was not only making a mistake in the day of the week but also in the day of the month ?—That is so, my Lord.

And you posted this letter which is dated Monday, on Wednesday the 16th ?—That is so.

Why did you post that letter to Miss Warren ?—I think I said yesterday at least it would give me time

The Prisoner

to do something in connection with Miss Kaye's body.

It would lead Miss Warren to believe that you and the deceased woman had gone to Paris, would not it, en route to South Africa ?—Yes, but it says in the letter that we shall be back in Town the following week or fortnight, if I remember rightly.

It would lead her to believe that you and Miss Kaye had gone to Paris on the Wednesday ?—Yes.

And were coming back to London before going on to South Africa ?—That is so.

Why did you keep this other letter, which is addressed to Mr. Oakes, in your pocket, which was found upon you on the same day ?—For the same reason, I suppose, as I kept other things, the agreement and the inventory and the other things that were found on me. For no reason that I know of.

If you were posting one, why not post the other ?—It was an absurd letter to post.

Why absurd ?—Well, I refused to send such a letter.

You knew that Miss Kaye was writing a similar letter to her own friend, Miss Warren ?—Yes.

MR. JUSTICE AVORY : Is that your case, Mr. Cassels ?

MR. CASSELS : That is the case for the Defence.

MR. JUSTICE AVORY : That is the whole of the evidence ?

MR. CASSELS : Yes, my Lord.

(*Adjourned for a short time.*)

SIR HENRY CURTIS BENNETT : I ask your Lordship's leave to re-call Sir Bernard Spilsbury upon one new matter which arose out of the evidence of the Prisoner ?

MR. JUSTICE AVORY : Yes.

Sir Bernard Spilsbury

Sir Bernard Henry Spilsbury, re-called. Further examined by Sir Henry Curtis Bennett.

Have you had an opportunity of looking at this knife, Exhibit 104, which I produced to the Prisoner when he was in the witness-box to-day?—Yes, I have.

Did you hear him say that he had used that knife for the purpose of cutting the body up?—I did.

As a result of your examination of that knife what do you say; in your opinion could the flesh have been cut in the way in which you found it by that?—No, it could not. The pieces of flesh which had been boiled had been cut clean through with a very sharp knife, one much sharper than this.

Prior to boiling?—Prior to boiling.

Have you also, as far as you can, examined that knife carefully this morning?—Yes, I have. There is no blood or flesh visible upon it. I have examined particularly the joint between the steel and the handle—in the groove. If this knife had been used to cut up a dead body it must have been plunged deeply into the flesh, and blood would have been present not only on the blade but around this junction of the steel and the handle, and in order to remove it it would be necessary to clean round there particularly carefully. You find instead that there is a layer of grease, and there is some emery powder or knife powder, which shows that it has been used for ordinary domestic purposes, and no blood is visible upon it.

Sir Bernard Spilsbury

Further cross-examined by Mr. Cassels.

Can you tell from a piece of flesh which you see after it has been boiled the nature of the knife which has cut it before it was boiled ?—I could judge from the edge of the skin what kind of weapon had been used to cut.

I take it from that that you mean that the skin of the flesh would display even after boiling the sharpness of the knife which had cut it before boiling ?—Yes.

Are we to take it that there is no difference between the boiling of human flesh and the boiling of any ordinary flesh ?—No, it has very much the same effect on both.

Except that perhaps human skin is not quite so thick as the skin of most animals whose flesh is usually boiled ?—Quite so, but in some parts it is stouter. You get rather thick skin on some parts of the body, the trunk for example.

You mean that part of the trunk where the skin would cover the internal organs without the intervening protection of bones ?—Yes.

Even then a lot would depend, would it not, in making this investigation of yours, upon the nature of the cut, supposing there was, between the flesh which was being cut and the knife, some hard substance which would give sufficient resistance to enable a cleaner cut to be made than could be made with a knife if the flesh were held loose ?—Yes, that is so. It is unfortunate the boiled flesh was taken from the wall of the abdomen, a very yielding part.

You are telling us now your observation of boiled flesh ?—Yes.

Sir Bernard Spilsbury

Not of the other flesh ?—No, not of the other. I saw the lines of separation on the other pieces, of course.

They were rough, were not they ?—They were most of them cut clean through, except in some places where sawn.

It does not take a very sharp knife to go through flesh, does it ?—It does through skin.

Depending upon whether you have got a start before you get to the skin, whether you penetrate it or whether you desire to start on the skin itself ? —Yes.

That knife is fairly sharp, is it not ?—No, I should say it was a very blunt knife as a carving knife. You could use it.

I dare say compared with surgical knives this is bluntness as bad as can be imagined, but as an ordinary knife it is in fairly good condition ?—As a carving knife, I agree ; but it would be no good to cut through skin.

Supposing you were to take a piece of flesh where you had skin on the under side of it, you would be cutting through the flesh and straight on to the skin ? On a hard substance, such as a board, you might cut through it more cleanly.

You could not get at any part of the flesh of a human body until you did go through the skin first?—Quite so.

Even then upon the first cut with that knife you would not make a clean cut through skin ?—No.

It has a fairish point ?—A round point.

It would not be necessary, would it, to plunge that knife very deeply in order to cut, shall we say, a leg ?—Yes.

Sir Bernard Spilsbury

Very deeply ?—Yes, to cut through the soft tissues down to the bone.

The knife itself, held across the leg, would gradually go through it. The diameter of the leg was not more than *that ?*—Not more than that. It would be a sweeping cut for it to go through the tissue.

Sir Henry Curtis Bennett

Closing Speech for the Crown.

Sir Henry Curtis Bennett said that the case for the Crown was that either on the night of April 14 or on April 15 Miss Kaye was murdered in the bungalow by Mahon.

"He would have you believe that he was under the influence of this lady, that she was trying to seduce him from his wife, and that he was practically prepared to carry out anything she suggested. But you have had evidence of her past from her greatest friend, Miss Warren, her sister, Mrs. Harrison, the secretary of the Green Cross Club, and indeed from the prisoner himself, that she was always a good-tempered, placid, quiet and nice girl."

At the end of 1923 Miss Kaye had £600 invested. At the time of her death she had only £70 in the bank. Where had her money gone?

Three hundred pound notes had passed into the possession of the prisoner. He said that they had come there in connection with some sort of speculation in francs. Did the Jury believe the story he had told? He wished them to believe that he never asked her where she bought the francs or how much she had paid for them. They had to remember that having got possession of the three £100 notes, he cashed each at the Bank of England under a false name. If the notes were received in respect of franc transactions why was there any need for a false name to be given? He gave as his reason that he thought Miss Kaye might be trying to drive a wedge between him and his wife.

"I put it to you that no sensible man could believe such a story. If he tells you that he put

Sir Henry Curtis Bennett

the false name upon the hundred pound notes because he did not want anyone to trace his relations with Miss Kaye, that receives much qualification when he tells you he intended on the Wednesday to tell his wife all about these relations."

The bungalow had been taken by Mahon in a false name so that he should not be found out. With regard to the visit of Mahon to buy the cook's knife and saw on April 12 the case for the Crown was that he then had murder in his mind. The money of Miss Kaye had practically disappeared. She was an expectant mother. She was pressing Mahon to go to Paris and South Africa. Something had to be determined by the following Wednesday.

" Do you believe his story, or do you believe that the prisoner was telling Miss Kaye and that she was telling Miss Warren, that he was taking her to Paris, that he would eventually go with her to South Africa, and that he would provide for her in that way. According to the case for the prosecution, he was keeping her quiet and easing her peace of mind for the time being because of her condition, by telling her that they would go to Paris and eventually to South Africa.

" Do you believe—can you believe—that this gentle woman dominated the prisoner ? You have seen him in the box and heard him give his evidence.

" So on April 12 he takes the lady down to the lonely bungalow, with the cook's knife which you have seen. Two letters written by Miss Kaye have been produced. The prisoner puts the writing of those two letters to the Tuesday night. I put it to you that they were written on the Monday. They

are dated 'Monday, 14th,' and if they were written on the Tuesday, Miss Kaye must have made a double mistake of the day and the date."

Counsel contended that they were both written to the same person, since both started "Dear old Phiz." He cast doubt on Mahon's statement in evidence that he had never during months of intimacy heard from Miss Kaye that "Phiz" was the name of her best friend. Since these letters said that Miss Kaye was going away to Paris they would be letters valuable to Mahon.

"It does not matter whether Miss Kaye died on the night of April 14 or on April 15, but this man who in the witness-box said she was seducing him from his wife admits that on April 15, after her death, he sent a telegram making an appointment to meet another woman."

Upon the missing head or neck of the dead woman there must have been marks which would have proved the innocence of the prisoner or undoubtedly have proved his guilt. Sir Bernard Spilsbury could find no marks on the body which would suggest the cause of death. Must they not assume that signs of the cause of death were present on the head and neck?

The prisoner took steps to dispose of parts of the body, and it was for the Jury to say whether but for Chief Inspector Savage's watch upon the cloak-room at Waterloo Station prisoner would not have effectually disposed of the remainder of the body and Miss Emily Kaye would have disappeared, according to the letters she wrote, to Paris and then to South Africa, and no hue and cry would have been raised about her.

Sir Henry Curtis Bennett

It might have been that when Miss Kaye was struck, as the Crown suggested she was, a fatal blow with the axe, she fell near the cauldron, but it was not the fall which caused her death but the blow which caused her to fall.

Commenting upon Mahon's emotions in the witness-box, Counsel pointed out that Mahon, after cutting up the body of Miss Kaye, met Miss Duncan, stayed with her in the room that had been used by Miss Kaye, and himself, took her out to dinner and went to Plumpton Races.

"Nobody noticed anything untoward about him at all, and you may have your opinion as to whether the feeling he showed in the witness-box was real or not."

Mr. J. D. Cassels

Speech for the Defence.

Mr. J. D. Cassels said that although they were dealing with the death of one person they must remember that they were also dealing with the life of another. Was it to be put against Mahon that because they could find, when they came to probe deeply into the history of that illicit intercourse, something which was untrue, that they should therefore come to the conclusion that here was a man who would commit murder?

"Miss Kaye was thirty-eight and a half years of age and a single woman. She stayed at Southampton as Mrs. Mahon and with her own money purchased a ring, which she displayed to her friends at the club as her engagement ring. From the evidence of the prisoner she was wearing in his company a wedding ring. Is it putting it too high to submit that she knew that Mahon was a married man? Might it not be considered as the case of a woman after another woman's husband?"

It might be said that the prisoner was an immoral man, but immorality was not visited in this country by capital punishment. It was suggested that money was the motive for the murder, but the prisoner had already had £300 from Miss Kaye. Did men murder after they had obtained money? Could the Jury find in the case for the prosecution any sufficient motive for murder? Did the delay in disposing of the body point to the conduct which might be expected from a murderer? Was the story told by the prisoner of him refusing to give up home, wife, daughter, business and everything else past belief? Was it not possible that his refusal roused her to

Mr. J. D. Cassels

anger ? The Jury, perhaps, would remember the lines :

" Heaven knows no rage like love to hatred turned,
And hell no fury like a woman scorned."

On the one hand they had the case for the prosecution that Miss Kaye died from a blow by the prisoner on the back of the head or neck ; on the other hand there was the suggestion on the part of the defence that death arose through the fall after a struggle, or possibly through strangulation in that struggle.

Had they before them a most inhuman monster, or the victim of a most extraordinary combination of circumstances ? It was for the Jury to decide whether this was murder or something less, or even accidental death. Unless the Jury came to the conclusion that it was impossible for a woman to die from a fall such as the prisoner had described, they must give deep consideration to his story.

The sad, but apparently penitent figure of Miss Duncan came into the case. At the invitation of the prisoner she visited the bungalow. A point had been made about the prisoner arranging to meet her on April 16th, but against that there was the fact that he was a business man and had to be in London on that Wednesday.

" It has been suggested that the breaking down of the prisoner was not genuine. Remember all that this man has been through, all the things that, guilty or not guilty, he has done. Can you conceive that, possibly on the threshold of eternity, you would

Mr. J. D. Cassels

get play-acting from a man in such a grave position?"

Counsel pointed out that the Jury might find a verdict of murder or manslaughter, or they might return a verdict of not guilty. The last words he should say to them were, "Be just, be true, and fear not."

Mr. Justice Avory

FIFTH DAY, SATURDAY, JULY 19, 1924.

CHARGE TO THE JURY.

MR. JUSTICE AVORY: Gentlemen of the Jury: You have already been warned by the learned Counsel on both sides as to the manner in which you should approach the consideration of this case. In a matter of this grave import I think it sufficient to remind you of the solemn oath which you have taken to return a true verdict according to the evidence, which means according alone to the evidence which you have heard in this Court. I say no more upon that subject.

The prisoner is charged with the murder of Emily Beilby Kaye. The learned Counsel for the prisoner, who addressed you yesterday with considerable eloquence, told you that it is open to you upon this indictment to find the prisoner guilty either of murder, or of manslaughter, or to find him not guilty of any offence. I should have been glad if learned Counsel had explained to you upon what principle of law he invited you to say that the prisoner in this case might be not guilty at all. In my view, the only ground upon which he could be found not guilty of any offence would be that in taking away the life of the deceased woman he was acting in self-defence, which means that it was necessary for him to kill her in order to save his own life, or to save himself from such serious bodily harm that his life would have been thereby endangered. It will be for you to say upon the facts of this case whether there is any possible ground upon which you could come to the conclusion that

it was necessary for him to kill this woman in order to save his own life.

You may have thought, during the progress of this case, that time had been unnecessarily occupied in proof of the identity of the woman who was killed, but it is a principle of our law that, upon a charge of murder or manslaughter, unless there is direct evidence of the injury inflicted on the person alleged to have been killed, there must be proof of the body being found, or of the remains of the body being identified, and it is for that reason that certain evidence has been laid before you to satisfy you that in fact Emily Beilby Kaye was the person who was killed at that bungalow. I presume you will have no doubt that that has been established. It is sufficient to remind you that there is evidence that the remains of the body which were found at the bungalow correspond to the description of Emily Beilby Kaye; there is evidence that she in fact has disappeared; there is evidence that the clothing and other property found at the bungalow and in the bag have been identified by those who knew her well as her property, including the ring which has been spoken of as the engagement ring, a diamond and sapphire ring, and including also a wedding ring which had apparently been in the fire; and added to this you have the prisoner's own admission that it was Emily Beilby Kaye who was in fact killed on that night in the bungalow. Assuming you are satisfied of that first necessary element in the proof, it now becomes my duty to tell you, to the best of my ability, the principle of law applicable to this particular case upon which you must come to your

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judgment. Every homicide, that is to say, the killing of one human being by another, is in law *prima facie* murder, and unless the contrary appear, either in the evidence or argument, as soon as it is established that one person has killed another, the crime is murder, unless it can be shown to be reduced to the lesser offence of manslaughter, or unless, as I have already pointed out to you, it can be justified on the ground that killing was necessary in self-defence. In this case the prisoner admits that Emily Beilby Kaye died at his hands ; he admits that her death was the result either of strangulation on his part or the result of a fall, a fall for which he was responsible, and the first question is whether there is anything in his own story, even if you were able to accept it in every particular, which would justify you in saying that what he did was done in self-defence.

A great deal has been said about the description of the deceased woman, being tall, strong, and athletic. As a matter of fact, the passport which has been put in evidence shows that she was a woman five feet seven inches in height. Her friend and companion, Miss Warren, tells you that the deceased was not so tall as she, Miss Warren, nor so strong, and even if you could accept the story that the deceased woman commenced this struggle by throwing an axe at the prisoner at the time when she met her death, it is not suggested that she had any other deadly weapon at hand. You must ask yourselves whether there is any possible ground for saying that at the time when the prisoner had this woman by the throat, as he admits he had, and when they fell

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together, his life was then endangered, in such danger that he was justified in killing her in order to save himself.

Assuming you put that aside, the next question is: What is there in the evidence in this case, or in the argument which has been addressed to you, to reduce the offence from murder to manslaughter? Manslaughter means the killing of another person without malice, either express or implied, and your decision upon this question of whether this was murder or manslaughter must depend upon the view which you take of the truth of the prisoner's story. A number of statements were made by him to the Police, beginning on the 2nd May and going on to the 3rd May, and continued on the 5th May. I must remind you that those statements are not evidence of the facts therein stated except so far as they contain admissions against himself. Take, as an illustration, what he said when the bag was found in his possession, when he was asked to account for the blood-stained contents of that bag. His statement was that he was in the habit of keeping dogs, and that these blood-stained rags no doubt were due to the fact of his having carried home meat for the dogs in that bag. The prisoner has, in this case, availed himself of the opportunity of going into the witness-box and has given evidence upon oath, and in substance he has repeated in the witness-box his description of the conflict which he says took place on the night of the 15th April in that bungalow, and that evidence you must take into your consideration equally with the evidence for the Prosecution. As I have already said, one of the most important

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questions for your decision is whether you can accept his story as a true description of what in fact took place.

In order to decide that, it is necessary to look at the relations of these two persons, and the position between them on the 14th or 15th April of this year. The deceased woman was a single woman, 38 years of age. So far as we know, prior to her association with the prisoner she was a virtuous and respectable woman. She meets him some time early in the last year in business. The prisoner says she must have known, and she did know, he says, that he was married. His wife was employed at the same works at Sunbury, where he was employed, communications passed between the office where Miss Kaye was employed and the works at Sunbury, and he in fact says that he mentioned to her the fact that he was married. Assume, as you will assume, everything in the prisoner's favour which is left in doubt, assume she did know he was married, have you any doubt, having regard to her age and character, that the prisoner made love to her ? Can you accept his story that from the first this woman, knowing he was a married man, designed to capture his affections, pursued him with her love, culminating in the description which he has given of her request to him to take a bungalow in order that she might convince him that he could be happy with her for the rest of his life ? Have you any doubt that it was he who commenced making love to her ? You find on his own statement that on the first occasion, namely, in August of 1923, when they were out together alone, intercourse took place between them. Is it

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likely that that would have taken place with such a woman unless he had been, prior to that date, making love to her ? She undoubtedly became fond of him. According to his story, the intercourse continued between them from time to time until on the 27th March of this year they met at Southampton, stayed the night together at the hotel as man and wife, and on that occasion there is no doubt that she or he bought that diamond and sapphire ring which she afterwards described as her engagement ring. Prisoner says that he had nothing to do with that, that he did not buy it, that he did not find the money for it, and he says further that he did not even know she had bought it, or that she had it, until some later date. Well, it is a strange story, probably the first time that you have heard of a woman buying herself an engagement ring and wearing it in the presence of the man to whom she says she is engaged, but who says that he knew nothing about it. On the 31st March she returns from Bournemouth, and, according to the prisoner, immediately after her return from Bournemouth she is pressing him to take her to France and on to South Africa, to Cape Town ; and you find evidence that she, at that time, is telling her friends and her sister that she is engaged to a man named Derek Patterson, and is going with him to South Africa, where he has a post, and that they are going to be married after their arrival. Have you any doubt that at the time when she was doing that, as the prisoner says, she knew she was pregnant, and pregnant by him ; and can you doubt, if that were so, that the prisoner also knew that fact ? Is it conceivable that he was ignorant

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of it? He says that even up to the time of her death he was unaware of the fact. Is it conceivable? Considering the relations between them, sleeping together, according to his story, precautions having been taken to avoid such a result, is it conceivable that the woman, finding herself in that condition, did not tell him or speak to him on the subject?

The next step in the story is that the bungalow is taken by the prisoner, and taken by him for two months. He says it was at her instigation that he took the bungalow, because she wanted to stay with him alone for a week or a fortnight to act as his wife in all respects, so as to convince him that they could be happy together in the future. He takes it for two months. His explanation given here of taking it for two months is that he had in his mind that this, what he calls, love experiment would be a failure, and that after he had put an end to this love experiment, as he calls it, the bungalow would be useful for his wife to come down to, who was not in very good health. You may think it is a strange introduction for a wife that he should use the bungalow for this purpose to begin with. On the 12th April they arrive together at this bungalow; they sleep together on the night of the 12th, the night of the 13th, and perhaps on the night of the 14th. I say "perhaps" because on the part of the Prosecution it is said that, looking at some of the facts in this case, it is possible that she was killed on the night of the 14th, and not on the night of the 15th. It is quite immaterial, for the purpose of this enquiry, whether it was on the night of the 14th or the 15th. On the 14th, that is the Monday, there appears to

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have been written a letter by the deceased woman to her friend Miss Warren. When I say it appears to have been written on the Monday, I say so because it is headed by the deceased with the word " Monday," written on the Kenilworth Court Hotel, Eastbourne, note-paper, some of which you know she had taken with her, having stayed at that hotel during the previous week, and possibly taking the note-paper with her because she did not wish her friend Miss Warren, or other friends, to know that she was at this bungalow; she writes on this paper, and dates it " Monday." Is it likely that she is making a mistake in the day of the week, having arrived at this place on the Saturday, and only one day having intervened? You must consider: Is it likely that she would make a mistake in dating this letter " Monday "; and if she wrote it on Monday, just consider the contents of it for one moment: " Dear old Phiz "—that was the nickname which Miss Warren was known by—" Very many thanks for sending on the parcel "—you know that the deceased had called that day at the Kenilworth Court Hotel and received the parcel—" Apparently you're up in Town this week-end. I wonder if Fred is up with you. Pat "—that is the prisoner—" arrived intact, but his arm in a sling, on Saturday, and we are having a very nice time, quiet, but a nice change from Town. He particularly wants to get to Paris for Easter, and would like you and Fred to come and have dinner with us when we return to Town, which we shall have to do for a few days in about a fortnight before setting out on our final journey. This will probably suit you both better, too; at any rate, I hope so,

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and shall look forward to seeing you then. Any news? We are returning from here Wednesday, and going straight over to Paris, gay old Paris. All news when we meet. Love to all my pals at the Club, and lots to yourself, old thing. Yours ever, Peter "—that is the nickname she was known by. "P.S. If any more letters or anything should come, will you send them to me c/o Poste Restante, General Post Office, Paris." That letter is addressed to Miss Warren at the Green Cross Club, Guilford Street, London, and was posted by the prisoner on Wednesday, the 16th April, at a quarter past ten at night. He says that he posted it in order to gain time in which to make up his mind what line of action he should take. He is forced to admit that the letter posted by him to Miss Warren would convey to Miss Warren and to any person to whom she spoke on the subject that this deceased woman, Miss Kaye, was still alive. Have you any doubt that at the time when the deceased woman wrote that letter she believed that the arrangement was still subsisting, was in fact subsisting, between her and the Prisoner that he should take her to Paris, and later on to South Africa? And for what purpose? Can you doubt that in her mind, at all events, that was an arrangement which had been made in order that she might be removed from this country to hide the shame which she knew was coming upon her by the birth of this illegitimate child? Prisoner admits that before posting that letter he had read it. He says he picked it up on the Wednesday morning and read it at the bungalow and he tells you that from the first, long before that time, long before they even arrived at

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the bungalow, he had no intention of carrying out this arrangement at all. He says—and you will have to consider that among other things—that it was not till the Tuesday morning, the 15th, that he finally made up his mind that he would not carry out this arrangement. There is another letter in this case, which is also dated on the 14th April, the Monday, and about which there is some mystery. It is clearly in the handwriting of the deceased woman. The envelope in which that letter was enclosed in, also in her handwriting, addressed to Walter F. W. Oakes, Esq., Halford Road, Richmond, and this letter in the envelope was found upon the Prisoner when he was arrested. It begins: "Dear old Phiz" —it is dated the 14th April; here the day of the month is written, and not the day of the week merely— "I am sorry I shall not after all be able to see you before my departure. You can imagine there has been a lot to do, and I have not been able to see quite a lot of people before packing up. We shall be travelling overland through France and Italy en route for the Cape. On our arrival there I will write you fully regarding prospects and other matters in general, but I really wish to thank you in this letter for all the kindness and good friendship you have shown me in the past. One cannot put into words just what one feels, but I am sure if I say just this, that you will understand and appreciate just what is in my mind. Any letter addressed to me c/o The Standard Bank, Cape Town, will find me, but, as I said in an earlier part of my letter, I will write to you fully on my arrival. With every good wish, believe me, Yours ever, P."—the letter "P."

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Prisoner says that this letter which I have just read signed "P." was written by the deceased woman on the Tuesday night, and that it was the final cause of the quarrel and subsequent disturbance which took place between them. He says that the deceased woman wrote it out and asked him to sign it. There is no explanation which has been given, and I am unable to suggest one to you, of the letter commencing "Dear old Phiz"; there is no evidence whether this man Oakes was ever called by that name. I think it may be—I think the learned Counsel for the Prosecution suggested that it probably is—another letter intended for Miss Warren; but, however that may be, Prisoner says that he declined to sign it. You may think it right to look at the letter "P" with which this letter is signed, and compare it with the other letter, which is undoubtedly in the handwriting of the deceased woman, and which is signed "Peter," and say whether you think that the "P" which is there is in the handwriting of the deceased or whether it is in the handwriting of somebody else. It obviously is different; it obviously does not appear to have been written at the same time, or with the same pen, as the rest of the letter, and that is why I say there is some mystery still about that letter. Whether it is that the Prisoner himself put that "P," and did sign it with that letter "P," or what is the explanation of it, I am unable to suggest to you. There are those two letters, dated one of them "Monday," and the other dated "14th April," and the Prisoner says that it was that letter dated "14th April" which was the immediate cause of the disturbance

which took place between them, which resulted in her death. If that letter was really written on the 14th April, then her death took place on the 14th April. As I have said before, it is immaterial, for the purpose of this case, whether it was on the 14th or the 15th, but it may be material when you are considering whether you can attach any credibility at all to the story which has been told by the Prisoner, who in the first instance, on the 2nd May, said that her death took place on Wednesday, the 16th, and subsequently altered it to Tuesday, the 15th ; it may possibly be of some assistance to you in determining, as I have said, whether you can rely upon anything he said as to what took place between them. According to the Prisoner, the quarrel took place on the evening of the 15th, after they had been to London, and after he had deceived her by pretending that he was going to get a passport for them to go to France together, first of all telling her that he has got it, and then, when they are in the train, or before they got into the train, telling her that he has told her a lie, and that he has not got any passport and does not intend to get one. According to him, they quarrel on that subject, but more or less make it up, and they arrive at the bungalow. Then he says that when he finally refused to sign this letter this woman suddenly became like an infuriated tiger. I will read you in his own words the account which he gave of what happened. He says : " We caught the 8.35 train to Eastbourne, arriving at the bungalow at about half-past ten. On the way she again spoke of the passport. I told her I had not been, and we quarrelled over it. She pleaded with me to get it. I refused, and

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we drove to the bungalow. She took her hat and coat off. I lit a fire to boil some milk, because we both had headaches. I carried the coal cauldron from the dining-room into the sitting-room. The coal in it was fairly large. I broke a piece of coal with the axe in the sitting-room ; I did this on my hand " —he afterwards said the axe happened to be in the grate or in the fender of the sitting-room—" I did this on my hand. I then laid the axe on the table in the sitting-room close to the fire. She was sitting on the settee writing letters. I was sitting on the easy chair. She said : ' I am determined to settle this matter to-night.' She said : ' These two letters which I have written, and my other action, that is, in leaving the Club, &c., mean that I have burnt my boats, and for me there is no turning back. Cannot you realise, Pat, how much I love you ? You are everything to me, and I can never share you with another. Do write to Richmond and finish up there and with the tournament ' "—that is some tournament that he was acting as secretary or assistant secretary of. Now, just observe what is the attitude of the woman, according to the Prisoner's own account—at that moment pleading with him, assuring him of her love for him, and begging him to do what she obviously believed he had promised to do, namely, to take her away to Paris and to South Africa to hide her shame. He goes on : " I said : ' I cannot do it, Peter. Why cannot we be pals ? ' She said : ' What is the use of palship to one of my nature ? ' I said : ' That is all I can offer you.' " This is the man, you know, who tells you that he knew that his experiment as he calls it, was going to be a failure.

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He never really intended taking her abroad at all, and yet he takes her down to this bungalow and admits that he is sleeping with her on the Saturday, Sunday, and Monday nights. According to him, on the Tuesday he is saying: "I can offer you nothing but palship; I cannot be anything to you but a platonic friend." "Thereupon she became excited. Then she calmed down, seated herself, and wrote a letter, which she threw across the table, and said to me: 'Sign that letter, Pat'"—it was the letter which he identifies, beginning "Dear old Phiz"—"I declined to sign it, or write such a letter; I said rather than do what she wanted I would tell my wife the whole thing." Do you think it is perhaps possible that what really took place was that she said: "If you do not do this which you promised to do I shall tell your wife the whole thing"? "She became very angry. I had then changed from the easy chair to a small chair by the table. I said: 'Peter, I am going to bed,' and moved towards the bedroom door. She then flung an axe, striking me on the right upper arm or shoulder. It glanced off and hit the door, or the framework of the door." He says that that broke the handle of that axe which you have seen. You can see it again, and judge whether, if that axe had been thrown by the woman, and struck him on the shoulder sufficiently hard to leave a bruise, and after it had struck him on the shoulder bounded off on to the door, it is possible to believe that that would break the handle. You can examine it for yourselves. Then he says: "Having done that, she leaped across the room, clutching at my face"—that is why I used the

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expression just now that he describes her as like an infuriated tiger—" She leaped across the room, clutching at my face. I did my best to keep her off. We struggled backwards and forwards. She was mad with anger, and was beginning to get the better of me." You have seen the Prisoner in the witness-box; you have seen his height and his build. You know now that this woman was a woman five feet seven inches in height. Do you believe for a moment his story that she was beginning to get the better of him? " I became uneasy with fear, and with a despairing throw I pushed her off, and we both fell over the easy chair to the left of the fire, her head hit the cauldron, and I fell with her on the top of her. We were each gripping the other by the throat." Then he says : " I think I fainted with the fear and the shock. When I became conscious I saw blood flowing from her head on to the floor. I tried to rouse her. She never moved or answered. I believe I went out in the garden." Then he said " I believe I fainted again, and when I came back she was still lying there, and dead. I pulled her body into the No. 2 bedroom, and covered it with her fur coat." That is his description of what happened. Is it possible to believe it? First of all ask yourselves whether you believe that that axe ever could have been broken in that way. Next ask yourselves, having regard to the description of her character—a calm, placid, good-tempered woman, who is described by her friends as never having been seen to be roused, never having been seen to lose her temper—whether it is possible to believe she acted in this way. Consider further whether it is possible to believe that

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a woman under those circumstances, knowing what her condition was, would try to strangle the man whom she loved with this absorbing love which the Prisoner has described, and the man to whom alone she looked at that time to save her from this situation in which she found herself. With regard to that axe, instead of it being used in the way the Prisoner has described, if that axe were used to batter her head in, that would account for the broken handle, and it would account for the care with which the prisoner himself says he destroyed the head of that woman in order to effectively destroy any evidence of the injury which had been inflicted upon her head. Further, in considering this account given by the prisoner, you will bear in mind the evidence of Dr. Spilsbury, than whom there is no greater expert on matters of this description, and who tells you that in his opinion, having seen that coal cauldron, having heard the description given by the Prisoner of the fall upon the coal cauldron, he is satisfied that such a fall could not have caused her immediate death. The Prisoner's story, you know, is that after she fell she never moved, and died immediately. Next you will have to consider, in judging whether this can properly be described as a case of manslaughter only, and not murder, the subsequent conduct of the Prisoner, and ask yourselves whether it is consistent with the truth of his story and consistent with the remorse which a man would naturally feel at the death of a woman whom he had seduced, and who was then pregnant by him. If this were a case of manslaughter, that is, a death resulting without any malice on his part, without any intention or

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desire that she should die, what would you expect him to do? There was a telephone in the house; there was a neighbour in a neighbouring bungalow, a woman who had been spoken to on the Sunday by the deceased. There is no call by the Prisoner for assistance, no effort or attempt on his part to procure medical aid which might have saved the life of this woman, who, for all he knew, was only stunned. What is his conduct? He proceeds in the following days from Good Friday to cut up this body; he proceeds at a later stage to burn such portions of it as he was able to burn, particularly the head; his own description of that is that he burnt it, that it took six hours, and that, having burnt it for six hours, he then took the precaution of—mark this—he took the precaution of collecting such bones or such remains of the bones as were still left from the fire and breaking them up into small fragments with his fingers and thumb and casting them on the beach, where they could not possibly be recognised or identified. Why this trouble? If the object were, as he says, merely to conceal the fact that some crime had been committed, something less, perhaps, than murder, if the object were merely to destroy the identity of any remains that were there because he feared he might be charged perhaps with manslaughter, why take this meticulous care to destroy every fragment of the skull, unless it were for the purpose of concealing the injuries on the bone of this head which might afford conclusive testimony to what had really happened on that night, instead of the mere fall on this rickety old coal cauldron?

Finally, in asking yourselves whether his subsequent

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conduct is consistent with any view that this was a death happening without his intention or desire, you have to look at the evidence of his taking this other woman, Miss Duncan, to the bungalow on the Good Friday, sleeping with her in the very room which he had occupied with the deceased woman for three nights, Friday, Saturday, and Sunday, and actually taking the precaution, before Miss Duncan arrives on the Good Friday, to go there himself and cut the head off, in order that he may pack it in the trunk out of sight. Is that conduct which you would expect of a man who feels any kind of remorse at a death which he neither desired nor intended ?

Now, Gentlemen, I come to not the least important part of this case. Suppose for a moment that the Prisoner's story of this quarrel on the Tuesday night be true, and that there was some fighting between them, provoked by his conduct in leading this woman to believe that he was going to rescue her from the position in which she found herself, and then at the last moment throwing her over and refusing to carry out his promise—suppose all that : you will then have to consider the evidence which has been laid before you in this case, which indicates a preconceived intention on his part to kill her, and, if there was any such preconceived intention before this quarrel arose and before the struggling took place, then it is clear law that the killing would be murder ; because if a man, having conceived a grudge against another, and desiring his death, and intending his death, afterwards provokes a quarrel, and in the course of that quarrel a fight ensues, and then the man who has originally intended that the other shall

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die kills him, he is guilty of murder, and it is not open to him to say that the provocation received in the fight reduces the offence to manslaughter, because in that case he has the malice in his mind which is necessary to constitute the offence of murder; he has that malice in his mind at the time when he enters into the combat.

Now, consider what is the evidence which the Prosecution place before you under this head: They say that on the 12th April, Saturday, the very day that he took the deceased woman down to this bungalow, he purchased in Victoria Street that cook's knife and the saw. Prisoner admits that he did in fact purchase that cook's knife and the saw on Saturday, 12th April, and his account of the purchase of it as given here in the witness-box was to this effect: "On Saturday, 12th April, I went to Victoria Street to buy some hosiery at some outfitter's. When I came out, I saw opposite, this shop of the Staines Kitchen Equipment Company"—that is to say, he represents it was a mere accident that his eye caught sight of this shop—"At that time I had the key of the front door of the bungalow and it was large, and I had in my mind to put a Yale lock on instead of having to carry this large key"—you saw the key—"I asked the assistant when I went in, and he said as soon as I went in 'We are closed'." You know it was just upon 1 o'clock. Then apparently the prisoner forgot all about the lock which he had gone there for, and he said: "I asked the assistant for a carving knife. Then I happened to see this cook's knife on the table, and I said 'That will do as a carving knife'; and on the

same tray there were some saws, and thinking the saw would be useful for fixing on the lock or taking off the old one, I bought the knife and the saw and paid for them; I did not bother about the lock, as the assistant appeared in a hurry, and so I got the lock and the chisel, and screw-driver, &c., at Eastbourne on the Monday." That is his statement upon oath here. Prisoner on the 2nd May made, as you remember, a long statement to the Police Officer, in which he first of all said that on the 12th April they had gone to the bungalow, and that he had stayed with her until Thursday, the 17th—that was his first statement—and that they had the quarrel on the night of the 16th. Having said that they had the quarrel on the night of the 16th, with the result that her head fell on the iron coal scuttle, he goes on: "I came up to London on the morning of the 17th April "—that was the Thursday—" and returned to Langney on the Thursday night, the 17th April " —twice, you see, he repeats the date—" fairly late, taking with me a knife which I bought in a shop in Town, in a shop in Victoria Street. I believe it was at Staines shop. I also bought at the same shop a small saw. When I got back to Langney "—this is on the Thursday night, according to him—" I was still so upset and worried I could not then carry out my intention to decapitate the body. I did so on Good Friday. I severed the legs from the hips, the head, and left the arms on." Now, at the time when he made that statement he knew that the Police had found in the bag which he had fetched from Waterloo Station cloakroom this cook's knife; he knew they had found it; he knew, therefore, that

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he would be called upon to give some explanation of that cook's knife among the bloody rags which were in the bag. Can you doubt that at the time when he made this statement he was representing, and intending those who read it to believe, that he had bought this knife and saw on Thursday, the 17th April, and that he had bought them for the purpose of decapitating and cutting up this body, and that that purchase had taken place after the death of the deceased woman, Emily Beilby Kaye ? His learned Counsel yesterday invited you to say that that was an honest mistake made on his part as to the date when he bought that knife and saw. Is it possible to believe that it was anything of the sort ? You will bear in mind the fact that the statement follows immediately after his description of the death taking place on the 16th, and then twice in this short paragraph he represents that the date, the 17th April, Thursday, was the day in which he had bought that knife and saw and taken them down with him to the bungalow. He admits now that he in fact took them down with him on Saturday, the 12th. While these proceedings were taking place before the Magistrates, evidence was given by witnesses from this shop that the purchase in fact had taken place on Saturday, the 12th April. The evidence of the witness who actually sold the articles confirmed by the documents, the entries in the books, and the Prisoner heard that evidence given before the Magistrates. He never corrected the statement which he had made on the 2nd May until he came here into the witness-box. He had the opportunity of correcting it, if it was

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an honest mistake, as his learned Counsel says ; he had the opportunity of correcting it at the conclusion of the evidence, when he was asked if he wished to make any statement in answer to the charge, or to give evidence himself. He did then make a statement, as you will remember, which has been read, merely corroborating the evidence of the different taxi drivers who had driven him from one place to another, and to the bungalow, and so on. He never corrected his so-called honest mistake until he came here in the witness-box, and knew the crushing effect of this evidence of the purchase of these tools on Saturday, 12th April, unless he could find some reasonable explanation of it ; and what is the explanation that he gives now ? The explanation that he gives now is that he wanted the knife as a carving knife for domestic purposes, for carving up meat which they were to eat. Unfortunately for the truth of that explanation, it now turns out that not only was there an efficient carving knife at the bungalow in the drawer which had been opened and shown to him when he took possession on the 11th April, but he actually had in his pocket, or about him, a list of the cutlery in that bungalow, and included in that list was this carving knife. Then the prisoner, confronted with this theory of the Prosecution that he had bought that knife for the express purpose on the Saturday of cutting up this body, or using it for some other deadly purpose, says that he never did in fact use it for the purpose of cutting up the body, but that instead having used that cook's knife for the purpose of carving when there was a carving knife there, he used the carving knife for the purpose

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of cutting up this body. Dr. Spilsbury has been recalled to tell you that if that had been so, if it had been used for that purpose, either there would have been blood upon that carving knife—traces of blood—or there would have been evidence that it had been cleaned of it ; and, so far from there being any evidence either of blood upon it or of it having been cleaned of the blood, there is evidence that it has been used in the ordinary way. There is a sign of fat and powder —I think he said emery powder—which is used for cleaning a knife ; in other words, there is no trace of anything on this carving knife to corroborate the Prisoner's story, and it is for you to judge whether that is not another untruth on his part to explain away, if possible, the purchase of this knife on Saturday, the 12th April. Further, the Prosecution have laid before you evidence, which, they suggest, shows a knowledge on the part of the Prisoner that Emily Beilby Kaye would be dead by Wednesday, the 16th April : This man, the Prisoner, on the 10th April, two days before what he calls the love experiment with Miss Kaye is to commence at the bungalow, meets this other woman, Miss Duncan, in Richmond, arranges to meet her the following week, tells her that she would probably hear from him on the following Wednesday, which would be the 16th, and on the morning of the 15th he writes out a telegram to Miss Duncan to meet him on the Wednesday evening. He sends off that telegram at 3.40 in the afternoon of Tuesday, the 15th—he himself said he had already written it in the morning before he ever left the bungalow—arranging to meet her on that Wednesday evening at Charing Cross. He

meets her on the Wednesday evening and arranges with her to come down to the bungalow on the Good Friday. The Prosecution say: If this was an unexpected quarrel which happened on the Tuesday evening, how could the prisoner possibly have known that he would be free to carry out this fresh intrigue with this other woman on the Wednesday? Further, you have to consider the evidence about that lock. Prisoner says what he wanted, when he went to that shop, was to buy a lock. What for? To put on the front door, so as to substitute the Yale lock for the big key, and he says he bought the lock, or two locks which were found, and the chisel, and the screw-driver, &c., at Eastbourne, on Monday, the 14th. What was he buying those for on Monday, the 14th? He never did attempt to put any new lock on the front door. What he did, in the presence of Miss Duncan, was to attempt to put a new lock on the bedroom door, in which room he had deposited the dead body of Miss Kaye. Was he, do you think, on Monday, the 14th, buying that lock with a view of securing that bedroom door? If he was, he never wanted it for the front door at all. What inference do you draw from the fact that in that very room he has deposited the dead body, and is endeavouring, while Miss Duncan is there, effectively to secure it from intrusion? You have also to consider in this connection that, if the Prisoner's story be true that he had made up his mind long before this 15th not to carry out the scheme, or even if, as he said yesterday in the witness-box, he finally made up his mind on the Tuesday morning that he was not going to carry out this scheme, you must ask yourselves why, if

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that be so, did he take her back to the bungalow on the Tuesday night? If his story be true that he had finally broken off this compact, and told her before they left London that he was not going to get the passport, why take her back to the bungalow at all? Why not say: "I part with you now"?

There is one other matter which has been introduced into this case which, in my view, has only a secondary importance, and that is the evidence of the money transactions between the Prisoner and the deceased woman. He has told a story of how she suggested that they should speculate together in buying and selling French francs, and that in pursuance of that scheme he provided her with £125 of his own money. That depends entirely upon his word; there is no other evidence that he ever did so except his own word that he provided her with £125 for this purpose; but there is evidence that he received from her in February, March and April, three £100 notes. When I say "received from her," his own statement is that he received those from her in those months, and that those sums were paid to him as the result of these speculations in francs, and his story is undoubtedly a curious one when he says that the first £100 was given to him in February, he cashed it within a day or so at the Bank of England, putting on it a false name and address. He says he did that because he suspected that Miss Kaye was laying some deep-laid plot to entangle him, and that she was in this way (to use his own expression) trying to drive a wedge between him and his wife. It is for you to judge whether the Prisoner's conduct in this case shows him to be a person likely to be much

influenced by any attempt to drive a wedge between him and his wife. Knowing this, he said, believing this was some deep-laid scheme on her part, he signed a false name and address on the back of this note, so that it should not be traced to him. Then in March he receives he says, another £100 note from her, and again he cashes that, and signs a false name and address, and he says that the second note, having regard to its size, made him even more suspicious that this was the result of some scheme on her part. Why did he take it ? Not content with taking the second one, which he said was even more suspicious than the first, and which he thought was even more likely to entangle him, he tells you that on Monday, 14th April, the very day of this woman's death, or the day before she died, he received a further £100 note from her. By that time, according to his account, he had received back £120, at all events, of the £125, if in fact he ever handed such a sum to Miss Kaye. Ask yourselves : Why again did he take that third £100 note which he believed was going to still further entangle him ? He cashes that note again with a false name and address, after the death of Emily Beilby Kaye. Upon his arrest there is found upon him among other things, an envelope containing 1,805 French franc notes. Where did he get that from ? He says he took it from the travelling trunk of the dead woman. I am not putting these facts before you for the purpose of inflaming your mind against the Prisoner at the bar, either on account of his immorality or on account of these money transactions with the deceased woman, but I am putting them before you for your consideration

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in order that you may ask yourselves whether such conduct is consistent with the attitude of a man who has been responsible for the death of a woman under circumstances which show that he neither desired nor intended that she should die.

These are all the observations that I think it necessary to make to you in this case. If there is the evidence of any witness which has passed from your memories and you desire to have them refreshed upon the subject, I shall be ready to do so, if you will refer it to me.

In conclusion, I leave you to determine whether the evidence in this case satisfies you beyond any reasonable doubt that the Prisoner took the life of the deceased woman under circumstances which can only amount to the crime of murder. If you can honestly come to the conclusion that the life was taken under such circumstances of provocation on the part of the deceased that the Prisoner, although responsible for her death, neither desired nor intended it, although he himself says that he is not sure whether she died of the fall or whether she died of strangulation, of course, if you come to that conclusion you will not only be justified, but it will be your duty to find him guilty of manslaughter only. On the other hand, if, looking at the whole of the circumstances, you come to the conclusion that the Prisoner before the 15th April had contrived and intended that this woman should die in order that he might rid himself of the incubus that she was likely to be upon him, or if you come to the conclusion that on the night of the 15th or the 14th April, when she died, he in fact took her life, and that there was no such

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provocation for violence on his part as could possibly reduce the offence to manslaughter, then your duty is to find him guilty of murder.

I will ask you now to retire and perform the duty which the law has cast upon you of finding a true verdict according to the evidence, regardless of the consequences, the responsibility for which is in other hands than yours. Will you now retire and consider your verdict. You may like to take these two letters with you, and perhaps the broken axe. If there is anything else you require, let me know.

(*The Jury retired at* 12.7 *and returned into Court at* 12.52 *p.m.*)

VERDICT.

THE CLERK OF ASSIZE: Gentlemen of the Jury, are you agreed upon your verdict?

THE FOREMAN OF THE JURY: We are.

THE CLERK OF ASSIZE: Do you find the Prisoner at the bar, Patrick Herbert Mahon, guilty or not guilty?

THE FOREMAN OF THE JURY: Guilty of wilful murder.

THE CLERK OF ASSIZE: Patrick Herbert Mahon, you stand convicted of wilful murder. Have you anything to say why judgment of death should not be pronounced upon you according to law?

PATRICK HERBERT MAHON: I feel too conscious of the bitterness and unfairness of the summing-up which you have uttered to say anything except that I am not guilty of the murder.

SENTENCE.

MR. JUSTICE AVORY: Patrick Herbert Mahon, the Jury have arrived at the only proper conclusion on the evidence which was laid before them. They have arrived at that conclusion without knowing anything

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of your past life, to which you yourself made reference in your statements to the Police, which references have, in mercy to you, been excluded from the consideration of the Jury; they did not know that you had already suffered a term of penal servitude for a crime of violence. There can be no question that you deliberately designed the death of this woman.

PATRICK HERBERT MAHON: I did not.

MR. JUSTICE AVORY: For that crime you must suffer the penalty imposed by law. The sentence of the Court upon you is that you be taken from this place to a lawful prison, and then to a place of execution, and that you be there hanged by the neck until you be dead, and that your body be afterwards buried within the precincts of the prison wherein you shall have been last confined before your execution. And may the Lord have mercy upon your soul.

THE CHAPLAIN: Amen.

MR. JUSTICE AVORY: Gentlemen of the Jury, you have been called upon in this case to perform a painful duty at great inconvenience to yourselves. If you desire the exemption, I shall recommend that you be not summoned to serve again in this capacity for the period of seven years. You are now discharged.

It may perhaps interest the Jury to know that the reference which I made to the Prisoner's previous history was a conviction for an assault upon a woman, for which he suffered a sentence of five years' penal servitude.

APPENDIX.

Proceedings in the Court of Criminal Appeal.

Tuesday, August 19, 1924.

BEFORE THE LORD CHIEF JUSTICE, MR. JUSTICE SWIFT, AND MR. JUSTICE BRANSON.

MR. THOMAS GATES, for the prisoner, explained that the ground of appeal was chiefly alleged misdirection of the Jury by Mr. Justice Avory. He said it was contended :

That the Judge failed to point out that the death of Miss Kaye might have been an accident, and that Mahon's account of what happened might reasonably be true.

That the Judge failed to point out that the evidence given at the principal proceedings as regards the purchase of the knife and saw was not challenged.

That the Judge was wrong in directing that women should not serve on the Jury.

That there was a misdirection gravely prejudicial to Mahon's case when the Judge directed the Jury that Miss Kaye knew that she was to become a mother, and that Mahon had admitted she died at his hands.

That it was wrong that the Judge should have allowed a passport to be given in evidence against Mahon.

That it was wrong that the Judge should have said that if the axe were used to batter in the woman's head, that would account for its being broken.

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Mr. Gates detailed briefly the case put forward by the prosecution.

The case for the defence was that Miss Kaye, who was thirty-eight and a half years of age, knew Mahon was married ; that, being madly infatuated with him, she was urging him to give up his wife and work and go abroad ; and that finally, after quarrels, Miss Kaye—having burnt her boats behind her—picked up a small axe and threw it at Mahon.

The axe caused him a glancing blow on the shoulder and there was some evidence that that was true in the bruises left there. The axe then caught the door which bore traces of the blow. Miss Kaye then rushed at Mahon and caught him round the neck. She was a strong woman, and there was evidence that Mahon had a weak wrist. He was bound to attempt to repulse her.

They fell back together over a chair, Miss Kaye falling head downwards on a coal cauldron.

Either Mahon strangled her in the fall or she died of the fall. Those were Mahon's own words. Mahon in a frenzy of despair, cut up the body and endeavoured to dispose of it.

Mr. Gates pointed out that Mahon purchased the knife and saw quite openly at a shop in Victoria Street.

The Judge ignored the evidence entirely of Miss Kaye's sister, who had said that she was a very athletic girl and a big, strong woman.

The objection, added Mr. Gates, was that the Judge allowed the particulars of Miss Kaye's passport to be put in as evidence.

In his submission, they could not be evidence against Mahon unless the defence admitted them, which they certainly never intended to.

THE LORD CHIEF JUSTICE pointed out that it was put in at the express wish of the defence.

MR. GATES said that this was only in order to show that there was a passport—the Judge, he held, should not have allowed the particulars of it to be put in as evidence.

MR. JUSTICE SWIFT: It makes acceding to the request of the Counsel for the defence a very dangerous thing for a judge to do.

MR. GATES: If you say that this ground is of no avail I will drop it.

THE LORD CHIEF JUSTICE: It is not only of no avail but it is a remarkable fact that it should be ground for appeal at all.

MR. GATES continuing, urged that the Judge was wrong in directing that women should not serve on the Jury.

Under the Sex Disqualification Act, he said the Judge had a very wide discretion. He might at his own instance make an order that the jury be composed of men and women only "as the case may require."

In Counsel's submission, those words showed or implied that the Judge must make an order for some reason.

There was nothing in the nature of the case to make it unfit for women to consider it, said Counsel. Indeed, women sat on far worse cases. The Judge made an order before they went into Court.

THE LORD CHIEF JUSTICE: The Section says that the order may be made upon application or at the learned Judge's own instance.

The Court of Criminal Appeal

MR. GATES: And then it goes on to say, "As the case may require."

THE LORD CHIEF JUSTICE: In a recent case this Court said that the Section gave to the Judge a judicial discretion. Do you say that in this case the learned Judge failed to exercise his discretion judiciously?

MR. GATES: There is no evidence upon which he did exercise his discretion. By inference I suggest that he did not. It would amount to this—that in any murder case that is going to last more than one day no woman would be allowed upon the Jury—if Mr. Justice Avory presided and there was no accommodation.

THE LORD CHIEF JUSTICE enquired if any protest was made with regard to the Jury, and Mr. Gates replied that the Clerk of Assize was spoken to and was told that the defence wanted some women to be on the Jury. The Clerk intimated that he would speak to the Judge.

MR. JUSTICE SWIFT: No application in fact was made to the learned Judge.

MR. GATES: Not directly, my Lord.

MR. JUSTICE SWIFT: May it not have been that the learned Judge thought that it was in the interests of the prisoner that no women should sit upon this Jury?

MR. GATES: Anything may have been. I do not know.

MR. JUSTICE SWIFT asked Counsel if women were supposed to be more tender-hearted towards a person who was accused of having murdered one of their sex.

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MR. GATES replied that he would not accuse them of that, but he pointed out that on the other hand they might have understood the position between this man and woman.

He went on to refer to certain points in which women could have come to a better decision than men, and mentioned the matter of expectant motherhood.

MR. GATES having concluded his speech, Sir Henry Curtis Bennett, K.C. (for the Crown), rose, but the Lord Chief Justice intimated that the Court had no desire to hear Counsel for the Crown, and delivered judgment.

LORD HEWART then announced the decision of the Court, after first briefly reviewing the case.

THE LORD CHIEF JUSTICE pointed out that there was evidence to show that Miss Kaye was informing her friends that the name of the person she was going to marry was "Pat" or "Patterson" and that they intended to go to Paris, and thereafter to South Africa.

In other words, his name—his true name—was concealed, and matters were mentioned which would lead the woman's relatives naturally to expect that she would be away from this country for some time.

On April 12 he bought a cook's knife and saw in Victoria Street.

In a statement Mahon said that on April 16, he and Miss Kaye quarrelled, that she fell on a coal scuttle, that that appeared to kill her (he altered that afterwards to stun her), and that afterwards when he could not revive her, he put the body in the spare bedroom.

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Next day, he said, he came up to London and returned the same night, taking with him a knife which he bought in Victoria Street, where he also bought a small saw.

"In other words," said the Lord Chief Justice, "Mahon made it quite clear that he bought that knife and that saw for the purpose of dismembering the dead body of Miss Kaye."

THE LORD CHIEF JUSTICE proceeded to describe how on Good Friday—the morning of the day in the afternoon of which Mahon was to meet Miss Duncan, Miss Kaye's successor at the bungalow—Mahon decapitated Miss Kaye's body, severed her legs and hips and put the various parts in a trunk.

Then he said, truly or not—nobody knew—that on April 22 he burned the head.

"Whether he burned it or not," proceeded the Lord Chief Justice, "it is quite obvious that he got rid of it; and in getting rid of it he got rid at one and the same time of the most obvious means of identification and the most obvious evidence as to the injuries which had led to Miss Kaye's death."

Evidence was heard and was not cross-examined that Miss Kaye was about to become a mother.

"There was ample and overwhelming evidence," said the Lord Chief Justice, "that this man had murdered this woman after most ingeniously contriving, first of all, to get all her money from her; secondly, to conceal his name and lead her friends and relatives to suppose that she was going away to marry a man of that name; and, thirdly, after contriving that her whereabouts would not be suspected for a long time and that her absence from

this country would excite no suspicion among her family and her friends."

It was said that the Judge was wrong in directing that women should not serve on the Jury.

It was clear from the Sex Disqualification Removal Act that the Judge at his own instance might make an order that the Jury should be composed of men only or of women only, as the case might require. In other words the Section gave to the Judge a judicial discretion.

That did not mean that capriciously or for no reason he might determine that a jury should consist exclusively of men or exclusively of women, but it did give him an unfettered judicial discretion.

It was quite obvious when one looked at this case and the nature of it and the circumstances of it, that there were various grounds upon which the Judge might, in the exercise of a judicial discretion, properly exclude women from this Jury.

Then it was said that the Judge misdirected the Jury in directing that the passport of Miss Kaye showed that she was a woman of 5 feet 7 inches, and in allowing the passport to be given in evidence against the appellant.

"There is something almost cynical in the insertion of that ground of appeal in this notice," commented the Lord Chief Justice, "because the fact is, as is not denied, that that passport was allowed to be put in at the express request of the defence.

"And as for the statement contained in the passport of the woman's height, that statement was also otherwise confirmed.

The Court of Criminal Appeal

"For the rest, it is said that the Judge failed adequately to put the prisoner's defence to the Jury, and failed adequately to direct the Jury in certain matters. There is no substance at all in any of these things. The defence was put fully and fairly to the Jury by the learned Judge."

THE LORD CHIEF JUSTICE added that there was no criticism of an adverse kind to be made on "this excellent and admirable summing-up."

"It is quite clear, when one looks over this evidence, that this was a most cruel, repulsive, and carefully planned murder. Mahon has been found guilty after a perfectly fair trial, and nothing except the mere fact that this is a capital offence prevents me saying this is a frivolous appeal and a waste of the time of this Court.

"The appeal is dismissed."

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